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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

A new Subpart C is added as set out below:

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

Sec.

AUTHORITY: §§ 3.301 to 3.308 issued under E. O. 10157, Aug. 28, 1950, 15 F. R. 5834.

§ 3.301 *Basic requirements for the acquisition of a competitive status under Executive Order 10157.* To be considered for the acquisition of a competitive status under Executive Order 10157, the employee must meet all the following requirements:

(a) He must have been appointed to and entered on duty in a civilian position in the competitive service of the Government on or before August 28, 1948.

(b) He must have been serving (that is, actually working, or on annual or sick leave with pay) in an active-duty status in an office or position in the competitive service of the Government on August 28, 1950.

(c) He must have had continuous service in a full-time, active-duty status in the competitive service of the Government since August 28, 1948.

(d) His most recent efficiency rating must have been "Good" or better if his employment was evaluated under an efficiency rating system; otherwise the head of the agency concerned must certify that he has served with merit for six months or longer immediately prior to the date of such certification.

(e) He must be recommended for conversion prior to March 1, 1951, by the head of the agency in which he was employed on August 28, 1950.

(f) He must qualify in such suitable noncompetitive examination as the Commission may prescribe. Only one such examination may be given.

§ 3.302 *Active duty.* (a) "Active duty" as used in Executive Order 10157 and in this subpart shall include employees who were serving (that is, actually working, or on annual or sick leave with pay) in an active-duty status in an office or position in the competitive service of the Government on August 28, 1950: *Provided*, That no person who is not entitled to veteran preference but who was serving on August 28, 1950, in a position restricted by law or Executive order to preference eligibles will be eligible to be granted a competitive status. The active-duty requirement shall include those incumbents of competitive positions who on August 28, 1950, were not on active duty but who were in any of the following categories:

(1) Employees carried on the compensation rolls of the Bureau of Employees' Compensation, Department of Labor.

(2) Employees in the active service of the armed forces of the United States.

(3) Employees on leave without pay for any purpose for a period not exceeding 30 work days.

(4) Employees who otherwise meet the terms of the Executive order but were separated from the service or furloughed due to failure to enact their respective appropriation bills for fiscal year 1951, and who were reemployed in the same agency within 60 days of the passage of such bills and who are continued in such reemployment for not less than 60 days, may be regarded as in an active-duty status on August 28, 1950. Such reemployment is hereby authorized, if there are no persons with reinstatement priority under § 20.11 of this chapter.

(b) In cases covered by subparagraphs (1) and (2) of paragraph (a) of this section, a return to duty with the agency before submission of the recommendation is unnecessary.

§ 3.303 *Continuous service.* (a) The employee must have had continuous service in a full-time, active-duty status in the competitive service of the Government since August 28, 1948. The

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

continuous service required for conversion may include:

(1) Intervening military service; periods not exceeding 60 days following a separation prior to entering military service and not exceeding 60 days following the expiration of the 90-day period for filing application with his agency for restoration to duty; periods exceeding 60 days following the expiration of the 90-day period for filing application with his agency for restoration to duty when such restoration was delayed by the agency.

(2) Periods of absence on annual or sick leave and periods of absence on leave without pay not exceeding a total of 30 work days.

(3) Periods during which the employee's name was carried on the compensation rolls of the Bureau of Employees' Compensation, Department of Labor.

(4) Periods of separation or furlough due to reasons set forth in § 3.302 (a) (4).

(5) One or more breaks in service that do not total more than 60 calendar days.

§ 3.304 *Efficiency ratings.* (a) The most recent efficiency rating of the employee must have been "Good" or better.

(b) If his employment was not evaluated under an efficiency rating system, a certification that the employee has served with merit for six months or longer immediately prior to date of such certification will be required.

(c) In the case of the person who was in a non-pay status as described in § 3.301 (b) or who was separated after August 28, 1950, this certification must

cover the last six months of his employment in a pay status.

§ 3.305 *Submission of recommendation*—(a) *Time limit.* Recommendation for conversion must be submitted within six months from the date of the Executive order or prior to March 1, 1951, to the Commission's central office, attention: Service Record Division.

(b) *Agency and position.* (1) The recommendation must be made by the agency in which employed, and in the position held, on August 28, 1950.

(2) In the case of an employee in the armed forces or on the rolls of the Bureau of Employees' Compensation on that date, recommendation should be made in the position held immediately prior to entry on the compensation rolls or into the armed forces.

(c) *Form and content of recommendation.* A separate recommendation in duplicate should be submitted for each employee who is proposed for a competitive status, accompanied by the necessary supporting documents. In addition, the agency must in all cases submit a brief statement of the duties of the position in which the employee is being recommended for conversion and classification code and grade.

(d) *Forms to be submitted.* There must be submitted with the recommendation an application form (Standard Form 57 or 60, whichever is applicable); proof of residence, if the position is in the apportioned service and the employee is not entitled to veteran preference (either CSC Form 12, "Proof of Residence," or a statement by the employee under oath, setting forth his or her residence for one year next preceding, accompanied by letters from three reputable citizens of the State in which residence is claimed corroborating such statement); the required loyalty forms; and CSC Form 14, "Preference Claim" and the proof indicated therein, if the employee claims preference. No medical certificate will be required by the Commission.

(e) *Citizenship.* The appointing officer must determine that the employee meets the citizenship requirements. These requirements must be met as of the effective date of the conversion.

(f) *Record of service.* An official statement showing the complete record of any temporary service between August 28, 1948, and August 28, 1950, contained in the official personnel folder of the employee must be submitted. This statement should show periods of service, agency in which employed, position, salary, and authority for the appointments.

§ 3.306 *Commission action*—(a) *Examination requirements.* If the employee has at any time passed a competitive examination for probational appointment appropriate for the duties of the position in which his conversion is proposed, the Commission will require no further examination other than rating on Standard Form 57 (or 60). In other cases, the Commission will order an appropriate noncompetitive examination which may include a written examination. Only one such noncompetitive examination will be given.

(b) *Determination as to suitability.* The Commission will determine whether the employee meets reasonable standards of suitability and may make a personal investigation, if necessary. It will disapprove the recommendation if it finds that the employee does not meet these standards.

(c) *Applying members of family requirements.* The Commission will disapprove the recommendation if it finds that the employee does not meet the requirements of section 9 of the Civil Service Act unless he is entitled to veteran preference.

(d) *Applying specific legal requirements.* The Commission will disapprove the conversion if it finds that the person proposed would be disqualified for appointment by some law, Executive order, or regulation other than those referred to in this part.

§ 3.307 *Agency action*—(a) *Effective date.* The effective date will be August 28, 1950, or a subsequent date on which the employee is still the incumbent of the position occupied on August 28, 1950.

(b) *Notice to employee.* The agency must notify the employee that he has been given a competitive status with the effective date of the conversion. This notice must be given whether or not the employee is currently employed by the agency.

(c) *Notation on employee's record.* A copy of the Commission's authorization for the conversion must be placed in the employee's official personnel folder.

(d) *Report to the Commission.* The conversion action need not be reported to the Commission.

§ 3.308 *Status of employees not recommended.* Employees who are not recommended for conversion under Executive Order 10157 or who are recommended but fail to qualify for any reason are not changed in status as a result of this order.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 50-8726; Filed, Oct. 4, 1950; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR BUNCHED BEETS

On August 23, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-7344, 15 F. R. 5635) regarding the proposed revision of United States Standards for Bunched Beets currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the revised United States Standards for Bunched Beets that are hereinafter set forth and which will supersede the United States Standards for Bunched Beets issued August 9, 1927, and reissued September 3, 1946, are hereby promulgated under the authority contained in the General Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

§ 51.138 *Standards for bunched beets*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of beets of similar varietal characteristics which are firm, fairly smooth, fairly well shaped, fairly clean, free from soft rot, and from damage caused by growth cracks, disease, rodents, insects or mechanical or other means.

(i) Bunches shall have tops which are fresh, and free from damage by any cause. The tops shall be either full size or cut back to not less than 6 inches.

(ii) Unless otherwise specified, the minimum diameter of the beets shall be 1½ inches and the maximum diameter shall be 3 inches.

(iii) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the beets in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, when the tops are cut back, not more than 15 percent of the bunches may have tops less than 6 inches. In addition, not more than a total of 10 percent of the beet roots may fail to meet the remaining requirements of this grade, but not to exceed 5 percent shall be allowed for defects causing serious damage, including not more than 1 percent for beet roots affected by soft rot. (See Application of Tolerances.)

(b) *Unclassified.* Unclassified consists of bunched beets which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(2) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(3) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(d) *Size terms.* (1) The following terms are provided for describing the diameters of beets in any lot: Small means less than 2 inches; Medium means 2 to 3 inches inclusive; Large means over 3 inches.

(e) *Bunching.* (1) Bunches shall be fairly uniform in size.

(f) *Definitions.* (1) "Firm" means that the beet is not soft, flabby, or shriveled.

(2) "Fairly smooth" means that the appearance of the beet is not more than slightly injured by roughness or by the presence of secondary rootlets. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as injury to the appearance.

(3) "Fairly well shaped" means that the beet is not misshapen to such an extent as to materially injure its appearance.

(4) "Fairly clean" means that individual beets are reasonably free from dirt, stain and other foreign matter and that the general appearance of the beets in the lot is not more than slightly affected by these causes.

(5) "Soft rot" means any soft, mushy or leaky condition of the tissue.

(6) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the individual beet, bunch or lot; or which cannot be removed without a loss of more than 5 percent of the total weight of the beet. Growth cracks which are not healed, and healed growth cracks which are not shallow and not smooth or which materially affect the appearance of the beet shall be considered as damage.

(7) "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and that not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a few leaves or leafstems remain. The appearance of bunches with tops having a few slightly discolored leaves shall not be considered materially affected if the tops as a whole show a predominately normal color.

(8) "Full size" means that the tops have not been cut back, but dried or damaged leaves or leafstems may have been removed.

(9) "Diameter" means the greatest dimension taken at right angles to a straight line from the center of the crown to the base of the root.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, bunch, or lot; or which cannot be removed without a loss of more than 20 percent of the total weight of the beet.

(g) *Effective time and supersedure.* The revised United States Standards for Bunched Beets contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER and thereupon supersede the current United States Standards for Bunched Beets issued August 9, 1927, and reissued September 3, 1946.

(62 Stat. 507)

Done at Washington, D. C., this 2d day of October 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-8727; Filed, Oct. 4, 1950; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OF PARTLY OF INSULIN

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (55 Stat. 851; 21 U. S. C. and Sup., 356), the regulations for certification of batches of drugs composed wholly or partly of insulin (21 CFR 144.1 et seq. and 1949 Supp.) are amended as indicated below:

1. Section 144.1 *Definitions and interpretations of terms* is amended as follows:

a. Paragraphs (e) to (k), inclusive, are renumbered as (f) to (l), inclusive, respectively.

b. A new paragraph (e), reading as follows, is inserted between paragraph (d) and renumbered paragraph (f):

(e) The term "NPH insulin" means the insulin preparation described in § 144.13.

2a. In § 144.2 *Requests for certification* * * *, paragraph (d) (1) is amended to read as follows:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin, except that, if the batch is to be NPH insulin, the quantity shall contain not less than 20,000 U. S. P. Units of insulin.

b. In § 144.2 (d) (3) and (5) the figure "2,000" is substituted for "2,500".

c. Section 144.2 (d) (4) is amended to read as follows:

(4) If the batch is to be protamine zinc insulin or NPH insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) or (7) of this paragraph, in a quantity of approximately 2 grams.

d. In § 144.2 (d), subparagraph (7) is renumbered (8).

e. In § 144.2 (d), a new subparagraph (7) is inserted, to read as follows:

(7) If the batch is to be NPH insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U. S. P. Units of insulin.

f. Section 144.2 (e) (2) is amended to read as follows:

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Nitrogen, reaction, and potency.

g. Section 144.2 (e) (4) is amended by inserting the words "or NPH insulin." after the word "insulin".

h. Section 144.2 (e) (5) is amended by substituting "§ 144.14" for "§ 144.13".

i. Section 144.2 (e) (7) is changed to read as follows:

(7) If the batch is to be NPH insulin, the trial mixture referred to in paragraph (d) (7) of this section: Nitrogen, reaction, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 144.14 (l)), and tests of supernatant liquid (by the tests prescribed in § 144.14 (m)).

j. In § 144.2 (e), a new subparagraph numbered (8) is added, to read as follows:

(8) The finished batch: Nitrogen, reaction, sterility, and if the the batch is protamine zinc insulin, globin insulin (with zinc), or NPH insulin, zinc.

k. In § 144.2, paragraph (f) is amended by renumbering subparagraphs (4) to (11), inclusive, as (5) to (12), inclusive, respectively.

l. In § 144.2 (f), a new subparagraph numbered (4), reading as follows, is inserted between subparagraph (3) and renumbered subparagraph (5):

(4) Isophane ratio—milligrams of protamine per 100 U. S. P. Units of insulin.

m. Section 144.2 (g) (1) is amended by substituting "(d) (1) to (7)" for "(d) (1) to (6)" and "(e) (1) to (7)" for "(e) (1) to (6)," and by adding at the end thereof the following sentence: "No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be NPH insulin of 80-unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made."

n. Section 144.2 (g) (3) is amended by substituting "(8)" for "(7)."

o. Section 144.2 (g) (4) is amended by substituting "(5), and (7)" for "and (5)."

p. Section 144.2 (g) (6) is amended to read as follows:

(6) The value for nitrogen submitted pursuant to paragraph (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (8) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (8) of this section may, if the batch is insulin U. S. P., be calculated from a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

q. Section 144.2 (g) (7), first sentence, is amended to read as follows: "The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this sec-

tion, should be submitted before submission of the samples and results required in paragraph (d) (3) to (7), inclusive, of this section and (e) (3) to (7), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (7), inclusive, and (e) (3) to (7), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (8), and (e) (8) of this section."

r. Section 144.2 (k) is amended by substituting "(7)" for "(6)".

3. In § 144.3 *Certifications*, paragraph (a) (2) is amended by substituting "globin insulin (with zinc), or NPH insulin;" for "or globin insulin (with zinc);".

4a. In § 144.4 *Conditions on the effectiveness of certificates*, paragraph (a) (2) is amended to read as follows:

(2) With respect to any package unless its immediate container complies with the requirements of § 144.5 and such package or such immediate container has been so sealed that its contents cannot be used without destroying such package or seal; or

b. Section 144.4 (b) (2) is amended to read as follows:

(2) With respect to any package of protamine zinc insulin, globin insulin (with zinc), or NPH insulin, 18 months after the immediate container therein was filled;

c. Section 144.4 (b) is amended by deleting subparagraph (3) and by renumbering subparagraphs (4) and (5) as (3) and (4), respectively.

d. In § 144.4 (b), renumbered subparagraph (3) is amended to read as follows:

(3) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 144.6 or 144.7; or

5. Section 144.5 *Packaging* is amended by adding, as the concluding sentence, the following: "The shape of the containers shall be cylindrical, except that the cross-section of the containers for NPH insulin shall be a rounded square."

6a. In § 144.6 *Labeling*, paragraph (a) is amended to read as follows:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch;

(2) The strength of the drug in terms of the U. S. P. Units of insulin per cubic centimeter; and

(3) If the seal required by § 144.4 (a) (2) is on the immediate container only: the statement required by paragraph (b) (1) of this section.

b. Section 144.6 (b) (1) is amended by substituting "(1) or (2);" for "(1), (2), or (3);".

c. Section 144.6 (e) is amended to read as follows:

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin or NPH insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully," or "Shake well before using," or "Shake well," or "Shake carefully to suspend all particles."

d. Section 144.6 is amended by adding the following new paragraph:

(h) On the circular or other labeling of the retail package, if the batch is NPH insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs in onset of action, duration, and time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use; and

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

7. Section 144.7 *Distinguishing colors on packages* is amended by adding a new paragraph (d) to read as follows:

(d) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of NPH insulin shall be distinguished by the following colors:

Red and blue, if it contains 40 U. S. P. Units of insulin per cubic centimeter;
Green and blue, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

8. In § 144.10 *Fees*, paragraph (b) (5) is amended by deleting the period after the words "(with zinc)" an adding the words "or each trial mixture of NPH insulin."

9. Section 144.13 *Tests and methods of assay* is renumbered § 144.14.

10. Part 144 is amended by inserting the following new section between § 144.12 and renumbered § 144.14:

§ 144.13 *Standards of identity, strength, quality, and purity for NPH insulin.* NPH insulin is a preparation of crystals containing insulin, protamine, and zinc, suspended in a buffered medium. Zinc-insulin crystals are used in such quantity that each cubic centimeter of the preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. Units of insulin. Protamine is used in such quantity that the preparation contains not less than 0.3 milligram nor more than 0.6 milligram for each 100 U. S. P. Units of insulin; but the quantity is not less than that of the isophane ratio (determined as prescribed in § 144.14 (l)) and does not exceed that of the isophane ratio by more than 10 percent. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.016 milligram and not more than 0.04 milligram zinc and not more than 0.85 milligram nitrogen. Disodium phosphate (calculated as Na_2HPO_4) is used in a quantity not less than 0.15 percent and not more than 0.25 percent (w/v). The pH of the finished preparation is not less than 7.1 and not more than 7.4. The preparation also contains either (a) not less than 1.4 and not more than 1.8 percent (w/v) glycerin and not less than 0.15 and not more than 0.17 percent (w/v) meta-cresol and not less than 0.06 and not more than 0.07 percent (w/v) phenol, or (b) not less than 0.42 and not more than 0.45 percent (w/v) sodium chloride and not less than 0.7 and not more than 0.9 percent (w/v) glycerin and not less than 0.18 and not more than 0.22 percent (w/v) meta-cresol. The protamine used is prepared from the sperm of mature testes of fish belonging to the genera Oncorhynchus Suckley, Salmo Linné, or Trutta Jordan and Evermann (Fam. Salmonidae).

11a. The section renumbered as § 144.14 is amended by changing the title of paragraph (e) to read as follows:

(e) *Sterility of globin insulin (with zinc) and NPH insulin.*

b. Section 144.14 (g) is amended to read as follows:

(g) *Sulfate in protamine*—(1) *Conduct of the test.* Weigh accurately about 250 milligrams of protamine and dissolve it in about 100 cubic centimeters of approximately tenth-normal hydrochloric acid. Heat to boiling and add 5 cubic centimeters of barium chloride Test Solution. Digest on a steam bath for 1 hour; allow to cool. Filter through an ignited and weighed Gooch crucible; wash free of chlorides. Dry, ignite, and weigh. The weight of barium sulfate thus obtained multiplied by 41.15 and divided by the weight of sample is the percent sulfate (SO_4) in the sample. Calculate the results to a moisture-free basis.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopoeia, including supplements thereto.

c. In § 144.14, the title of paragraph (h) is changed to read as follows:

(h) *Total nitrogen in globin insulin (with zinc), NPH insulin, globin hydrochloride, and protamine.*

d. In § 144.14, the title of paragraph (i) is changed to read as follows:

(i) *Zinc in insulin-containing solutions or suspensions.*

e. Section 144.14 is amended by renumbering paragraph (k) as (n).

f. Section 144.14 is amended by inserting the following new paragraphs between paragraph (i) and renumbered paragraph (n):

(k) *Identification of NPH insulin.* NPH insulin conforms to the requirements of the identification tests for protamine zinc insulin in the official United States Pharmacopoeia, including supplements thereto. The precipitate is almost entirely crystalline, and contains not more than traces of amorphous material.

(l) *Isophane ratio.* The isophane ratio shall be expressed as milligrams of protamine per 100 U. S. P. Units of insulin.

(1) *Reagents*—(i) *Solution A.* The stock buffer solution: Dissolve in water the quantities of meta-cresol, phenol,

glycerin, and disodium phosphate required to make 10 liters of the batch of NPH insulin and dilute to 1,000 cubic centimeters.

(ii) *Solution B.* The insulin solution: From a sample of the zinc-insulin crystals to be used in making the batch weigh a quantity which contains 10,000 U. S. P. Units of insulin. Dissolve the crystals in 15 cubic centimeters of one-tenth percent hydrochloric acid. The resulting solution must be clear. Add it to 25 cubic centimeters of the stock buffer solution (Solution A). Dilute with water to approximately 200 cubic centimeters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. The solution must be clear at this stage. If sodium chloride is to be used in preparing the batch add 25 cubic centimeters of 4.2 percent (w/v) sodium chloride solution. Dilute to 250 cubic centimeters with water. The pH must be between 7.1 and 7.4.

(iii) *Solution C.* The protamine solution: Weigh 500 milligrams of the protamine to be used in making the batch and dissolve in 10 cubic centimeters of the stock buffer solution (Solution A). If sodium chloride is to be used in preparing the batch add 10 cubic centimeters of 4.2 percent (w/v) sodium chloride solution. Dilute with water to approximately 80 cubic centimeters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. Dilute with water to 100 cubic centimeters. The pH must be between 7.2 and 7.4 and the solution must be clear.

(2) *Conduct of the test.* Measure six 25 cubic centimeter samples of the insulin solution (Solution B) into six tubes. To the first tube add 0.60 cubic centimeter of the protamine solution (Solution C), to the second add 0.72 cubic centimeter, to the third add 0.84 cubic centimeter, to the fourth add 0.96 cubic centimeter, to the fifth add 1.08 cubic centimeters, and to the sixth add 1.20 cubic centimeters. Mix the contents of each tube and let stand for at least 30 minutes. Centrifuge. (Do not filter.) From each supernatant fluid remove two 10 cubic centimeter samples thus creating two series of samples. To each of one series add 1 cubic centimeter of the insulin solution (Solution B). To each of the other series add 1 cubic centimeter of the protamine solution (Solution C). Mix each sample and let stand 10 minutes. Measure the turbidity of each sample by means of a photometer or nephelometer. Plot the readings of the two series of samples, using the amount of protamine originally added in milligrams per 100 U. S. P. Units of insulin as abscissas, and the photometer or nephelometer readings as ordinates. The abscissa of the intersection of the two curves indicates the isophane ratio of the protamine to the zinc-insulin crystals.

(m) *Tests of supernatant liquid from NPH insulin.* Centrifuge the NPH insulin and remove the clear supernatant liquid.

(1) *Test for isophane conditions.* To 10 cubic centimeters of supernatant liquid add 1 cubic centimeter of Solution B (described in paragraph (l) (1) (ii) of this section). To another 10 cubic centimeter portion of supernatant liquid add 1 cubic centimeter of Solution C (described in paragraph (l) (1) (iii) of this section). Mix each sample and let stand 10 minutes. The turbidity of the second sample should not exceed that of the other sample.

(2) *Biological reaction for the activity of the supernatant liquid.* Proceed as directed for assay of the supernatant liquid of protamine zinc insulin in the United States Pharmacopoeia, Thirteenth Revision, using the same standard, method, and specifications.

This order, which provides for the definition, certification, packaging, labeling, and standards of identity, strength, quality, and purity of a new form of insulin, NPH insulin; for changes in the amounts of protamine zinc insulin and globin insulin (with zinc) trial mixtures which are to be submitted; for changes in the information required of persons requesting certification; for a permitted change in packaging; and for a rerevision of the method for sulfate in protamine, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since the order was drawn in collaboration with interested members of the affected industry and it would be against public interest to delay the marketing of NPH insulin and the use of the revised sulfate method. The changes in packaging and in information and size of sample required of persons desiring certification represent relaxations of existing regulations.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 506, 55 Stat. 851; 21 U. S. C. 356)

Dated: September 28, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-8709; Filed, Oct. 4, 1950; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

EXEMPTION OF RECEIVING OF SOYBEANS FOR STORAGE BY COTTONSEED CRUSHING MILLS

An application was filed by the Mississippi Cottonseed Crushers Association of Jackson, Mississippi, for a determination that the industry engaged in receiving soybeans for storage in cottonseed crushing mills constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)), and the regulations contained in this part.

It appears from the application that:

(1) There is an industry which is engaged in the receiving of soybeans for storage in cottonseed crushing mills.

(2) The bulk of the soybean crop which moves to cottonseed crushing mills matures during the months of September, October, and November and is received from growers by these mills immediately after harvesting.

(3) Cottonseed crushing mills engaged in storing soybeans receive for storage more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

On September 7, 1950, upon consideration of the facts stated in said application, I determined, pursuant to § 526.5 (b) (2) that a prima facie case had been shown for finding that there is an industry engaged in the receiving of soybeans for storage in cottonseed crushing mills and that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (b).

This preliminary determination was published in the FEDERAL REGISTER on September 12, 1950, and interested persons were given 15 days from such date to file objections or a request for a hearing.

No objection or request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2), I hereby find that there is an industry engaged in the receiving of soybeans for storage in cottonseed crushing mills and that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (b).

The term "receiving of soybeans for storage in cottonseed crushing mills" includes the unloading, weighing, placing into storage and storing of soybeans in cottonseed crushing mills and any operations or services necessary or incident to the foregoing, including incidental selling, during the period or periods when soybeans are being received for storage.

In view of the fact that the industry in question is in the midst of its season at the present time, I find that it is necessary to make this determination effective immediately. Accordingly, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 52 Stat. 1063; 29 U. S. C. 207)

Signed at Washington, D. C., this 2d day of October 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-8721; Filed, Oct. 4, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 884—APPOINTMENT OF REGULAR OFFICERS FOR DUTY WITH THE JUDGE ADVOCATE GENERAL'S DEPARTMENT

REVISION OF REGULATIONS

The caption of Part 884 is changed to read as set forth above. The regulations contained in §§ 884.1 to 884.11 in-

clusive (14 F. R. 1251–1253; 32 CFR, 1949 Supp., Part 884) are hereby revised.

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup., 626 (f), 626c (e)), Transfer Order 2, October 1, 1947 (12 F. R. 6736), and cited laws, the following regulation is hereby prescribed:

Sec.
884.1 Purpose.
884.2 Definitions.
884.3 Grade determination.
884.4 Eligibility.
884.5 Application for Regular commission.
884.6 Channels of communication.
884.7 Nomination and appointment.
884.8 Reapplication.
884.9 Forms.
884.10 Effective date.

AUTHORITY: §§ 884.1 to 884.10 issued under R. S. 161; Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. and Sup., 22, 5 U. S. C. and Sup., 171a. Interprets or applies secs. 502, 506, 61 Stat. 883, 890; 10 U. S. C., Sup., 506, 506c.

DERIVATION: AFR 36–7.

§ 884.1 *Purpose.* The regulations in this part prescribe the procedure for the appointment of commissioned officers in the Regular Air Force for duty as judge advocates.

§ 884.2 *Definitions.* (a) Immediate commander is an officer, directly in command and/or supervision of an applicant.

(b) Air Force commander is the commanding general of each of the numbered air forces of the Continental Air Command, Zone of Interior, or the senior Air Force commander in each command overseas.

§ 884.3 *Grade determination*—(a) *Permanent grades.* Appointments will be made in the permanent grades of first lieutenant and captain. Persons with less than seven years' service credit at the time of appointment will be appointed in the permanent grade of first lieutenant. Persons with seven or more years' service credit at the time of appointment will be appointed in the permanent grade of captain.

(b) *Service credit.* Each person appointed an officer in the United States Air Force under the provisions of §§ 884.1 to 884.9, at the time of appointment is credited with an amount of service equal to three years. In addition, he is credited with an amount of service equivalent to the total period of active Federal service performed, after attaining the age of 21 years, as a commissioned officer in the Army or Air Force of the United States or any component thereof after December 31, 1947, but not to exceed five years.

(c) *Temporary grades.* Acceptance of appointment as a commissioned officer in the United States Air Force will not, of itself, affect a higher temporary grade in which an officer on extended active duty is serving at the time.

§ 884.4 *Eligibility.* An applicant submitting an application for a Regular appointment must:

(a) Be a citizen of the United States. Applicants not citizens of the United States by birth must furnish evidence of citizenship. In the case of United States citizenship by naturalization, a certificate by an officer, notary public, or other person authorized by law to administer oaths, will be satisfactory evidence. Under no circumstances will facsimiles or copies, photographic or otherwise, be made of naturalization certificates.

(b) Have passed his 21st birthday, but not have passed his 32d birthday on the date of his appointment in the Regular component. However, a candidate's age may exceed 32 years on the date of appointment by the number of days, months, and years of active commissioned service performed in the Army or Air Force of the United States or any of their components after December 31, 1947, but not to exceed five years. In unusually deserving cases and until June 30, 1953, the Secretary of the Air Force may waive this maximum age limitation for any applicant who served in the Armed Forces of the United States prior to September 2, 1945. This waiver will not be granted to any person who will have attained his 37th birthday prior to July 1st of the year in which application for appointment is made. In any case where waiver of the maximum age limitation would be required, permission to submit an application for appointment must first be obtained from the Chief of Staff, United States Air Force. The request, which may be made at any time, will be forwarded by persons not on active duty direct to the Director of Training, Headquarters United States Air Force, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C., inclosing those papers pertaining to legal qualifications listed in § 884.5 (a). When permission to submit an application under the provisions of this paragraph is granted by Headquarters United States Air Force, a copy of the correspondence approving the request will be attached to each copy of the application for Regular appointment. If an applicant with waiver is not selected for Regular appointment after being granted permission to apply, further permission will not be granted to permit reapplication.

(c) Be of good moral character.

(d) Be physically qualified for appointment in the Regular Air Force, as determined by a final-type physical examination.

(e) Be a graduate of a law school accredited by the American Bar Association.

(f) Be admitted to practice before the bar of the highest court of a State or a Federal district court, and be in good standing at the bar.

(g) Have demonstrated an aptitude for the military service by having:

(1) Been designated a distinguished military graduate of the senior division, Reserve Officers' Training Corps, or

(2) Completed a minimum of one year of active duty, not necessarily continuous, in any of the Armed Forces. (Persons otherwise qualified may obtain information regarding Reserve Forces appointments, assignments, extended active duty, etc., by directing their requests to the appropriate Air Force commander.)

(h) Have a record free of conviction by any type of military or civil court for other than a minor traffic violation. Request for waiver may be made in the case of other minor violations which are nonrecurrent and which are not considered prejudicial to performance of duty as an officer. The granting of a waiver will not be considered in the case of any person who has been convicted of a crime involving moral turpitude.

(i) Not be nor have been a conscientious objector.

(j) Not have been separated from any of the Armed Forces under other than honorable conditions.

(k) Not be nor have been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

§ 884.5 *Application for Regular commission.* Applications may be submitted during two periods each year. These periods are from February 1st to April 1st and from August 1st to October 1st. Applications will be submitted on Air Force Form 17, "Application for Commission in the United States Air Force," in duplicate, by persons who meet all of the requirements stated in § 884.4, to reach the appropriate headquarters not later than April 1st or October 1st. Each applicant will plainly mark at the top of Air Force Form 17, "Judge Advocate Applicant," and submit a loyalty statement in compliance with the provisions of §§ 886.1 and 886.2, 14 F. R. 6979–80; 32 CFR, 1949 Supp., 886. Officers holding commissions under the jurisdiction of any Department other than the Air Force must submit with the application an approved conditional resignation from the parent service. Applications will be accompanied by:

(a) Evidence that the applicant has been designated a distinguished graduate of a Reserve Officers' Training Corps unit or has completed one year of active service.

(b) Copies of waiver of maximum age provision when required.

(c) Evidence of citizenship (for applicants not citizens of the United States by birth).

(d) A transcript of the record of all education obtained on the college or postgraduate level. Such transcript, if practicable, should show the class standing of the applicant.

(e) A certificate from proper authority showing admission to practice and standing at the bar.

(f) An affidavit from the applicant containing a statement of his full-time or part-time legal experience. Legal experience may include Governmental, judicial, teaching, military legal experience, and private practice. If he has practiced law, he should include a list of the more important cases handled by him, showing the nature of each, and a general statement of the character of his practice; if he has taught law, the subjects which he teaches or has taught; and, if he has held judicial office, the extent of jurisdiction of his court; if he has had Governmental or military legal

experience, a description of his position and rating.

(g) Letters based on personal acquaintance from not less than three disinterested judges or lawyers relative to the applicant's reputation and professional standing, the types of cases handled by him, and his ability as an attorney, teacher, or judge.

(h) A recent photograph, head and shoulders type, not smaller than 3 by 5 inches. The applicant's name will appear on the reverse side.

(i) A complete statement of facts concerning, and any supporting papers evidencing military experience.

(j) Any other papers or statements considered relevant by the applicant.

§ 884.6 *Channels of communication*—(a) *Submission of application.* Persons not on active duty will forward applications direct to the Director of Training, Headquarters United States Air Force, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C., to arrive not later than April 1st or October 1st. After processing by Headquarters United States Air Force, the duplicates of applications will be forwarded to the proper Air Force commander who will select the appropriate Air Force screening center and forward such applications to the commanders thereof.

(b) *Action by Air Force screening centers.* Upon receipt of the duplicates of applications, the screening center commander will establish with each applicant not on active duty, a mutually satisfactory date within the screening period for the appearance of the applicant before the interview board. When notified, applicants not on extended active duty will proceed at their own expense to the Air Force screening center for completion of the screening for regular appointment. The interview board will meet at such place or places as shall be ordered by the appointing authority so that all interviewing of applicants will be accomplished as economically as possible any time after receipt of duplicates of applications and prior to the tenth day of May or November. This board will consist of not less than three Regular Air Force officers (one of whom shall be a member of The Judge Advocate General's Department) all of whom must be senior in permanent rank to the prospective permanent rank of the applicant. The senior member will be the president of the board. Upon completion of the interview and processing, the screening center commander will forward the application and allied papers to the Director of Training, Headquarters United States Air Force, who will determine the composite score and forward to the Air Force Personnel Board, Headquarters Uinted States Air Force, for final selection.

(c) *Change of address.* If an applicant not on active duty changes his address subsequent to the submission of an application and prior to the receipt of notification of selection or nonselection, he will inform the Director of Training, Headquarters United States Air Force, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C., in writing, of the change. Failure to comply with this instruction may result in nondelivery of official notification for appearance before a proper screening board or of notification of selection for appointment.

§ 884.7 *Nomination and appointment.* After final selections have been completed, a nomination list will be prepared and transmitted to the President for nomination to the Senate or for recess appointments. Selected applicants will be instructed to complete a final-type physical examination, and those who are found to be physically qualified will be tendered appointments and furnished any further instructions necessary. Applicants who are not selected will be notified of their nonselection. All initial appointments in the Regular Air Force under the provisions of §§ 884.1 to 884.9 normally will be made during the months of January and July.

§ 884.8 *Reapplication.* Applicants who are not selected may reapply not sooner than one year after the period of previous application, provided that they meet the qualifications prescribed in § 884.4. When reapplying, an applicant will:

(a) Plainly mark the original and duplicate application forms with the word "Reapplication" at the top of page 1.

(b) Submit the application in conformance with § 884.5. In that paragraph of the application requiring the names of superior officers for reference, list only the names of the commanders under whom service has been performed since submission of previous application and the names of any other officers, not formerly listed, who are familiar with applicant's service.

§ 884.9 *Forms.* Applicants may obtain forms by writing to the Air Adjutant General, Headquarters United States Air Force, Washington 25, D. C., or to the Air Force commander having jurisdiction over the area in which they reside. The addresses of the Air Forces and the area served by each are as follows:

ADDRESS AND AREA RESPONSIBILITY

Commanding General, First Air Force, Mitchel Air Force Base, Hempstead, N. Y.: Maine, Vermont, New Hampshire, Massachusetts, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Ohio, Delaware, and the District of Columbia.

Commanding General, Fourth Air Force, Hamilton Air Force Base, San Rafael, Calif.: Arizona, Utah, Idaho, Montana, Nevada, Washington, Oregon, and California.

Commanding General, Tenth Air Force, Selfridge Air Force Base, Mount Clemens, Mich.: Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Missouri, and Indiana.

Commanding General, Fourteenth Air Force, Robins Air Force Base, Ga.: North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

§ 884.10 *Effective date.* The effective date of regulations contained in §§ 884.1 to 884.9 is October 1, 1950. All applications submitted prior to that date will be processed under the provisions of §§ 884.1 to 884.11, 14 F. R. 1251–1253: 32 CFR, 1949 Supp., Part 884.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-8681; Filed, Oct. 4, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF PENNSYLVANIA TURNPIKE (TOLL HIGHWAY) BY COMMON AND CONTRACT CARRIERS

SEPTEMBER 22, 1950.

By notice dated June 13, 1941, the Commission authorized the use of the Pennsylvania Turnpike between Harrisburg and Pittsburgh by interstate motor common and contract carriers holding authority to operate over certain parallel highways subject to conditions stated in the notice. The Turnpike has been extended eastward to King of Prussia, Pa., near Philadelphia. Inquiry has been made concerning use of the extended portions. This notice is issued for the information and guidance of all concerned.

The Pennsylvania Turnpike is a modern toll highway in which there are improvements in design and construction over existing highways in that region, including the elimination of cross traffic, reduction of grades, lengthening of curves and widening of the pavement. As originally built, it extended from Irwin, Pa., to Middlesex, Pa., and roughly parallels U. S. Highway 40 through Pennsylvania and Maryland, U. S. Highway 30 through Pennsylvania, and U. S. Highways 422 and 22 through Pennsylvania. The extended portions soon to be opened extend westward from Irwin to Pittsburgh and eastward from Middlesex to King of Prussia. The eastward extension roughly parallels all or portions of U. S. Highways 30, 230, 322, and 422, and Pennsylvania Highway 23. The use of that portion of the Turnpike west of the Susquehanna River as an alternate route by carriers authorized to operate over U. S. Highways 40, 30, 422, and 22 through Pennsylvania, and the use of that portion of the Turnpike east of the Susquehanna River as an alternate route by carriers authorized to operate over U. S. Highways 30, 230, 322, and 422, and State Highway 23, would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways. Only in special and unusual instances will there exist reasons for denying to any carrier operating over these parallel highways permission to use the Turnpike as an auxiliary highway. In view of the circumstances, it appears that the use of the Pennsylvania Turnpike by motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations

over the above mentioned highways will be consistent with the public interest and the policy of the Interstate Commerce Act in the case of contract carriers and will be required by public convenience and necessity in the case of common carriers. Therefore, such carriers without obtaining prior authority therefor may use the portions of the Turnpike above described as parallel to those highways and such additional highways as may be required in traveling via the shortest practicable route between authorized highways and the Turnpike in performing their authorized operations, subject to the following conditions:

§ 211.1 *Use of portions of the Pennsylvania Turnpike west and east of the Susquehanna River by carriers authorized to operate over parallel routes.* (a) (1) Common and contract carriers subject to the Interstate Commerce Act who are authorized to engage in regular-route operations over U. S. Highways 40, 30, 422, and 22 through Pennsylvania, may, without obtaining prior authority therefor, use the Pennsylvania Turnpike (toll highway) west of the Susquehanna River, and such additional highways as may be required in traveling via the shortest practicable route between the authorized highways and the Turnpike in performing their authorized operations,

(2) Common and contract carriers subject to the Interstate Commerce Act who are authorized to engage in regular-route operations over U. S. Highways 30, 230, 322, and 422, and State Highway 23 through Pennsylvania, may, without obtaining prior authority therefor, use the Pennsylvania Turnpike (toll highway) east of the Susquehanna River, and such additional highways as may be required in traveling via the shortest practicable route between the authorized highways and the Turnpike in performing their authorized operations. Operations referred to in subparagraph (1) of this paragraph and this subparagraph shall be subject to the following conditions:

(i) The carrier shall give notice by a letter to the Commission (a copy of which shall be served on every known competitor) of its intention to use the Turnpike, stating its presently authorized route and giving a complete description of the proposed route, including the points between which it intends to use the Turnpike and specifying the additional highways that will be traversed in traveling to and from the Turnpike. The letter shall state that a copy has been served upon each competitor known to the applicant, and shall include a list of such competitors.

(ii) The letter shall state that the carrier will continue to furnish reasonable and adequate service at points on other routes which the carrier is authorized to serve, and that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes or otherwise, such operation is not now practicable.

(iii) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the portions of the above-mentioned highways which are herein stated to be parallel to the portion of the Turnpike to be used when performing service authorized under the Interstate Commerce Act, and only so long as the conditions mentioned herein are observed.

(b) If any competitor or other party in interest shall be of the opinion that any carrier filing notice of intent to operate over the Turnpike does not meet the terms of the conditions specified herein, a protest may be filed within 30 days from the date the notice is given, in which case the Commission will give consideration to the application and protest and make a determination of the particular case.

(c) Motor carriers whose authority is limited to operations over specified highways and who are not authorized to operate over the portions of the U. S. Highways above named or the Pennsylvania Turnpike, but who desire to use the Turnpike as an alternate route in performing their authorized service, must apply for such authority on Form BMC 74 and receive authority before using the Turnpike. If it appears that the use of the Turnpike by such applicants does not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and does not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) If a motor carrier is authorized to operate within or through Pennsylvania over irregular routes, no specific authority is required from this Commission to use the Pennsylvania Turnpike in performing the authorized service.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8713; Filed, Oct. 4, 1950; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 994]

HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXEMPTIONS

Notice is hereby given that the Department is considering the issuance of the proposal herein set forth in accordance with the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should forward the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., in sufficient time to be received not later than the close of business on the fifth day after publication of this notice in the FEDERAL REGISTER.

The Pecan Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Albany, Georgia, on September 21, 1950, recommended that, under the authority contained in § 994.4 of said agreement and order, the aggregate quantity of unshelled pecans that any handler may handle (as such term is defined in the marketing agreement and order) to any one person on any one day exempt from the provisions of the agreement and order in respect to inspection, certification, and assessment, be reduced from 200 pounds to 105 pounds.

The purpose of the provisions is to permit the handling without interference, of small quantities of in-shell pecans which do not appreciably affect the market. The committee believes, from experience gained during the 1949–50 fiscal period that the exempt quantity should be reduced from 200 pounds to 105 pounds. Such small shipments of pecans are customarily comprised of 5, 10, 25, 50, and 100-pound packages. Hence, fixing the maximum exempt quantity at 105 pounds would be more consistent with the basis for the exemption and, at the same time, provide a reasonable allowance for excess poundage in packages intended to contain, either singly or in the aggregate, not more than 100 pounds.

The proposal is as follows:

(a) *Exemptions; reduction in maximum quantity.* Beginning at 12:01 a. m., e. s. t., October 16, 1950, the total quantity of unshelled pecans that may be handled by any handler pursuant to § 994.4 (d) (2) exemptions during any one day to any one person is reduced from 200 pounds to 105 pounds.

(b) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

Issued at Washington, D. C., this 29th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8728; Filed, Oct. 4, 1950; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR OFFICE MACHINERY INDUSTRY

NOTICE OF HEARING

Pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45) it is proposed to hold a hearing for the purpose of determining the prevailing minimum wage in the office machinery industry.

The office machinery industry, for the purpose of this hearing, is defined as that industry which manufactures or furnishes machines primarily for use in offices, such as, but not limited to the following:

Accounting machines.
Adding machines.
Addressing machines (manual and automatic).
Billing machines.
Calculating machines.
Bookkeeping machines.
Cash registers.
Change making machines.
Check handling machines.
Currency and coin handling machines.
Collating machines.
Dating machines (automatic).
Dictating machines.
Duplicating machines (except photocopy, blueprint and printing).
Envelope handling machines.
Folding machines.
Inserting machines.
Key punch machines.
Label pasting machines.
Mailing machines.
Payroll machines.
Perforating and canceling machines (except hand punches).
Postal permit mailing machines.
Post office canceling machines.
Punched card tabulating machines.
Shorthand machines.
Sorting machines.
Stamp affixing machines.
Stencil machines.
Tabulating machines.
Teletypewriters.
Time recorders.
Time stamping machines (except hand stamping).
Typewriters.
Varitypers.

Now, therefore, notice is hereby given that a public hearing will be held on October 25, 1950 at 10:00 a. m. in Room 1214, Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the office machinery industry; (2) as to whether there should be included in any determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the results of a wage survey made by the Office Equipment Manufacturers' Institute, based on the payroll period nearest April 15, 1950, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received, an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 2d day of October 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-8725; Filed, Oct. 4, 1950; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 41, 61]

SCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board revisions of Parts 40, 41, and 61 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by January 10, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after January 15, 1951, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

There is attached an "Explanatory Statement" setting forth the basis and purpose of the proposed rules.

The proposed revision is also attached hereto as "Proposed Rules."

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

Dated: September 26, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Explanatory statement. Currently effective Parts 40 and 61 prescribe certification and operation rules for air carriers engaged in scheduled interstate air transportation within the continental limits of the United States.[1] Part 41 prescribes such rules for scheduled air carrier operations outside the continental limits of the United States. The attached proposal combines those parts and presents in one document the certification and operation rules for air carriers engaged in scheduled interstate, overseas, or foreign passenger air transportation utilizing multiengine aircraft.

Generally it is proposed to apply the same standards to all scheduled passenger operations, but in a few instances because of the inherent differences between interstate and overseas or foreign air transportation certain provisions are made applicable only to one or the other class of operations.

It should be noted that several reasons motivated the Bureau in proposing a revision of the rules relating to scheduled passenger operations. First, it is believed that the same standards should apply to scheduled passenger operations regardless of where conducted, except where the inherent differences in the type of operations require differentiation. Second, the Bureau is of the opinion that the current requirements should be restated, clarified, and, in certain instances, brought up to date. Third, it is considered advisable, generally speaking, to include in one document all requirements of a mandatory nature.

In the past the Administrator has considered it necessary in the proper implementation of the current regulations to prescribe additional standards. It is our opinion that all material which is of a mandatory nature should either be set forth in Civil Air Regulations or, if it is to be established by the Administrator, authority therefor should be specifically delegated in such regulations. Therefore, we have incorporated in this proposal all appropriate material of a mandatory nature currently published by the Administrator, or have specifically authorized the establishment by the Administrator of particular requirements where such treatment is desirable.

[1] Special Civil Air Regulation SR-351 authorizes the Administrator to establish appropriate requirements for scheduled air carriers operating aircraft under 12,500 pounds maximum certificated take-off weight.

It is anticipated that any CAA material published by the Administrator to supplement this part will be illustrative and instructive and in the nature of recommended practices.

In attempting to set forth all mandatory requirements, we have striven to set forth only those having a general applicability. We recognize that where the developmental state of the art might require frequent change in the regulations and where it is believed that the CAA is more properly equipped by reason of its many direct and immediate contacts with the industry to develop and prescribe rules (e. g. airport standards), Part 40 should prescribe general standards and leave the specific requirements to be prescribed by the Administrator. Moreover, there are certain mandatory regulations which are not of general applicability (e. g. airport minimums and instrument approach procedures) which will more appropriately be prescribed and administered by the Administrator. In all such cases, we have delegated specific authority to the Administrator to establish appropriate requirements.

In drafting this proposal we have attempted to set forth each rule in such a manner as to permit its application by a fully experienced and competent CAA agent to an operation established by an experienced and conscientious air carrier, without the necessity for additional interpretative material. However, we anticipate that this condition may be practically an impossibility in all cases, and therefore it is to be expected that the CAA will provide manual material of a non-mandatory nature for the guidance of its personnel and that of the air carrier.

It should be noted that in the preparation of this part consideration has been given to the recommendations made by the President's Special Board of Inquiry On Air Safety, and that several proposals herein are responsive to such recommendations.

Hereinafter an analysis is set forth comparing the basic requirements of the current regulations with those herein proposed.

Manual requirements. Proposed provisions for administering the standards established in the revised part differ considerably from those currently in effect. The proposal is designed to place maximum responsibility for establishment of operation and maintenance procedures upon the air carrier, while permitting the Civil Aeronautics Administration to exercise its statutory responsibilities.

Under current procedure, the bulk of the air carrier's prescribed operating and maintenance requirements are contained in operations specifications which, by regulation, are designated as part of the air carrier operating certificate. The air carrier operating certificate, in turn, including the operating specifications, is incorporated into the operations manual.

The proposal contained herein, by eliminating the provision for incorporating operating specifications in the operating certificate, sharply distinguishes between the material to be included in such certificate, generally limiting such material to that specifically required to be so included by section 604 of the Civil Aeronautics Act of 1938, as amended, and providing that all other material necessary to prescribe operating and maintenance procedures be set forth in appropriate manuals.

Procedures for the approval of manual material are specified in detail and provide for hearing before the Administrator in the event that an air carrier disagrees with the Administrator's determination with respect to the manual material and a subsequent review of the record by the Board if the carrier so desires.

Inspection organization. It is proposed to require that the air carrier's maintenance inspection organization be independent of the maintenance organization. In effect, this would require a senior operating official of the company to rule upon disputes between maintenance and inspection rather than permit a shop foreman to overrule an inspector as to the condition of an aircraft. It should be noted that many air carriers have already adopted this organizational structure, and our information indicates that it is functioning satisfactorily.

Aircraft requirements. Under current provisions there are no specified performance standards for aircraft type certificated prior to June 30, 1942, used in transport service, unless the operator elects to comply with the transport category performance requirements. Revised Part 40 would specify alternate performance requirements for those aircraft which do not comply with the transport category requirements. The requirements proposed are identical with those which have, since January 1, 1950, been applicable to irregular air carriers.

This proposal stems from the fact that there are no generally accepted performance standards for such aircraft among the scheduled air carriers, and follows the expressed precept of the Board and the industry to have identical requirements in so far as possible for scheduled and irregular air carrier operations.

Required instruments and equipment. Proposed Part 40 generally requires the same equipment and aircraft instruments as do the current rules. However, requirements for emergency equipment have been considerably strengthened in light of the increasing fund of knowledge as to the necessity for survival in an accident. For example, provision is made for carrying axes to permit persons in the cabins to provide additional means of egress, for marking exterior areas of the fuselage to indicate areas suitable for cutting to facilitate rescue from the outside, and for the installation of shoulder harnesses for flight crew members. Further, in view of the trend toward higher-speed aircraft, new flight instruments (for example, Mach air-speed indicator) are being required. In addition to the equipment provisions, the required crew training program is intended to instruct each crew member on the aircraft in the manner in which he or she can contribute most to the survival of passengers and crew in the event of an emergency.

Fuel requirements. Present regulations distinguish between fuel reserve requirements on the basis of whether the operation is considered to be "short range" or "long range." In practice some difficulty has resulted in properly classifying a particular operation. Moreover, the reserves required are of a relatively fixed type based upon the classification. Proposed Part 40 establishes a more flexible fuel reserve requirement based upon a percentage formula which applies to all operations with relatively minor exceptions.

Aircraft interchange agreements. Proposed Part 40 provides, for the first time, for safety standards for operation of aircraft by more than one air carrier pursuant to an interchange agreement. By establishing such requirements, providing a uniform standard of safety before operations under an interchange agreement may be started, it is intended to obviate the necessity for the repetitious presentation of detailed evidence on technical matters in proceedings involving Board approval of interchange agreements.

Flight time limitations. The current provisions of Parts 41 and 61 with respect to flight time limitations are not consistent; moreover, Part 61 does not establish flight time limitations for flight crew personnel other than pilots. The current daily limitations may be briefly described as limiting pilots in a two-man crew to fly 8 hours, permitting a three-man crew consisting of two pilots and an additional airman to work 12 hours on the flight deck, and establishing no daily limitations for a crew of 3 or more pilots and an additional flight crew member. In effect, Part 41 limits flight engineers and flight radio operators to 12 hours of flight deck duty unless two such airmen are on board, in which case no daily limitations are prescribed. There are no daily flight time limitations for flight navigators. Monthly limitations of 100 hours of on-duty time are currently prescribed for 2-pilot crews, and 120 hours for crews having 2 pilots and one additional flight crew member in international and overseas air transportation, a 3-month limit of 300 hours for "single crews," and a 3-month limit of 350 hours for airmen in "multiple crews" in such transportation. In domestic service, under existing law, 85 hours is the maximum monthly flying time for pilots.

In general, the rules contained in the proposed part would provide the current daily limitations for a two-pilot crew; but for crews of 3 or more airmen, whether today considered as a single or multiple crew, the rules have been considerably changed. For flight within the continental limits of the United States, there is an 8-hour maximum flight deck duty prescribed, except where the flights are nonstop or where an intervening rest period is given when a maximum of 12 hours is permitted. For flights outside the continental limits of the United States, the maximum flight deck duty is 12 hours.

Additional new provisions permit the Administrator to authorize periods in excess of 8 hours to provide more healthful or advantageous rest periods, and to provide that deadhead transportation immediately prior to flight deck duty as-

signment shall, if in excess of three hours, be considered as duty aloft.

It has been proposed by flight engineer groups to limit flight deck duty time for flight engineers to 8 hours where only one is on board, since it is claimed that the nature of the duties performed by a flight engineer exceed in intensity those performed by either pilot in a two-pilot crew. While we recognize that this recommendation may have merit, we have not had sufficient time to consider it fully for inclusion in this proposed rule. For example, the same justification may be applicable to a single flight radio operator or navigator. We intend to consider this question again in light of the comment received.

The quarterly and the annual flight time limitations contained in the proposed part correspond generally to current requirements.

Training program. Under current regulations the only prescribed training program is for pilots and mechanics. Proposed Part 40 provides for crew and aircraft dispatcher training and places greater emphasis on this aspect of a carrier's operations than is now the case. It is intended that flight crew coordination be stressed throughout the training program. In addition to original qualification training, provision is made for recurrent annual refresher training.

Route and airport qualification. Proposed Part 40 restates and clarifies the route and airport requirements for both pilots and aircraft dispatchers, and establishes qualification requirements for each group of airmen which must be met prior to engaging in any scheduled passenger operations. With respect to all such airmen this proposal places greater responsibility on the air carriers to insure that they are fully and properly qualified. The essential changes contained in this proposal relating to pilots are to require them to qualify at each regular, provisional, and refueling airport for the trip to which they are to be assigned, and to place greater emphasis on the familiarization with individual airports, their letdown procedures, and surrounding obstructions rather than on the area between such airports, except in the case where operations are conducted at or below the level of adjacent mountainous terrain. In the latter instance both types of familiarization are required. This proposal also requires pilots acting as second in command of crews having three or more pilots, as well as pilots in command (first pilots), to meet these qualifications.

With respect to aircraft dispatchers the proposal differs substantially from the current requirements in that emphasis is placed upon qualification over the area over which a dispatcher is to exercise dispatch authority rather than on qualification over each route in the area.

Pilot certification and instrument qualification. Generally, the proposed qualification requirements for pilots are similar to current regulations, although they have been clarified and restated. However, it should be noted that this proposal requires all pilots to hold Airline Transport Pilot Certificates (see proposed revision of Part 21 published in the FEDERAL REGISTER on July 18, 1950) and permits pilots to take their 6-month instrument check in any type of aircraft which the air carrier is authorized to use in scheduled operations rather than in a type to be flown by them in such operations.

Flight radio operator requirement. Current provisions of Part 41 relating to the requirement for flight radio operators have been interpreted as requiring a flight radio operator only where the normal communications require radiotelegraphy. However, the Bureau is of the opinion that in special situations in the interest of safety a flight radio operator may be required under conditions other than those in which radiotelegraphy is necessary for air-ground communications. Therefore, we propose to expand the discretion of the Administrator in this regard to permit him to require a flight radio operator when normal communication, whether voice or telegraphic, cannot be safely conducted by the pilots at their station.

Minimum flight altitude rules. It will be noted that the proposed part does not contain the minimum flight altitude rules now in current air carrier parts. We are of the opinion that such rules may be treated more appropriately in Part 60, "Air Traffic Rules." A revision of that part is in process, and it is expected to include such rules therein.

Dispatch and flight operations. There are two proposed changes in the current dispatch and flight operation rules which should be noted. In lieu of the current requirement that dispatch centers be located at points established by the Administrator, this proposal presents the factors which must be considered by an air carrier in the location of its dispatch centers, and places the responsibility on the carriers to establish sufficient centers for the conduct of safe operations. The presently effective rules relating to powerplant failure and precautionary stoppage of an aircraft engine in flight have been revised to cover 4-engine aircraft.

In addition to those requirements included in the attached proposed rule, comment is invited on the following items. Your attention is invited to the fact that such items should, for the purpose of submitting comment, be considered as proposed rules and that specific rules may, as a result of further consideration thereof in the light of comment received, be included in the part to be promulgated by the Board.

Air carrier distress communications. The Board has completed a study of air carrier distress communications requirements on certain long overwater routes in order to determine whether provisions should be made for emergency situations which may involve ditching at sea. A report of the Board's findings was published March 20, 1950, and the Bureau of Safety Regulation was instructed to complete the administrative procedures necessary for the promulgation of appropriate rules. The Bureau is presently engaged in conversations with interested persons with a view toward formulating proposed amendments to the Civil Air Regulations in accordance with the decision of the Board as contained in the above report. This action has not been completed to date. However, it is contemplated that proposed rules concerning this matter will be published separately in the near future.

It has been stated to the Board that the burdens imposed upon the pilot crew as a result of the advent of new, larger, and more complicated aircraft have reached such proportions as to warrant specific relief from duties involving communications, and it has therefore been recommended that the Civil Air Regulations be amended to require the carriage of a separate communicator or flight radio operator for international operations irrespective of the system of communications employed on the routes in question.

Altimeter setting. It has been suggested that it be specifically provided in the Civil Air Regulations that at least one altimeter in an aircraft be required to be set at the altitude of the airport of destination, together with prescribed procedures for the use thereof.

PART 40—SCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

AUTHORITY: §§ 40.0 to 40.212 issued under sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216, 49 U. S. C. 551–560, Act of July 1, 1948.

GENERAL

§ 40.0 *Applicability of this part.* The provisions of this part are applicable to air carriers, other than Alaskan air carriers,[1] when, as authorized by the Board, they engage in scheduled interstate, overseas, or foreign passenger air transportation utilizing multiengine aircraft. The provisions of this part shall supersede those of Parts 40, 41, and 61 and the provisions of all Special Civil Air Regulations pertaining to scheduled passenger operations conducted in multiengine aircraft.

§ 40.1 *Applicability of Parts 43 and 60 of this chapter and compliance with foreign air traffic rules.* The provisions of

[1] Section 292.2 of the Economic Regulations currently provides that Alaskan air carriers shall include certificated and noncertificated air carriers engaging solely in air transportation within the Territory of Alaska. These carriers are authorized to conduct operations in accordance with the provisions of Part 42 of this chapter.

Parts 43 [1] and 60 of this chapter shall be applicable to all air carrier operations, whether inside or outside the United States, conducted under the provisions of this part unless otherwise specified herein: *Provided*, That operations conducted in the airspace of any foreign country shall, at all times, comply with the air traffic rules of the foreign government and with local airport rules except where any rule prescribed herein or in Part 60 of this chapter is more restrictive and may be followed without violating the laws or rules of such country.

§40.2 *Definitions.* (a) As used in this part, terms shall be defined as follows:

(1) *Accelerate-stop distance.* Accelerate-stop distance is the sum of the distances required to accelerate the airplane up to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

(2) *Act.* Act means the Civil Aeronautics Act of 1938, as heretofore or hereafter amended.

(3) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(4) *Air carrier.* Air carrier means any citizen of the United States who directly, or by lease or by other arrangement, undertakes the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft in commerce, whether such commerce moves wholly by aircraft or partly by other forms of transportation, between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the airspace over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; a place in a Territory or possession of the United States and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof.

(5) *Air traffic clearance.* An air traffic clearance is an authorization issued by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

(6) *Air traffic control.* Air traffic control is a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

(7) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(8) *Aircraft dispatcher.* An aircraft dispatcher is an individual on the ground holding an aircraft dispatcher certificate issued by the Administrator who exercises joint responsibility with the pilot in command in the dispatch and operational control governing the safe conduct of each flight.

(9) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(10) *Airport.* An airport is an area of land or water which is used, or intended for use, for the landing and take-off of aircraft.

(11) *Alaskan air carrier.* Alaskan air carrier includes any air carrier subject to the provisions of § 292.1 [2] of the Economic Regulations of the Board, as heretofore or hereafter amended.

(12) *Alternate airport.* An alternate airport is an airport listed in the dispatch release as an airport to which a flight may be directed if a landing at the airport to which the flight was initially dispatched becomes inadvisable.

(13) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(14) *Approved.* Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., shall mean approved by the Administrator.

(15) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(16) *Ceiling.* Ceiling is the distance from the surface of the ground or water to the lowest cloud layer reported as "broken clouds" or "overcast."

(17) *Check airman.* A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

(18) *Control area.* Control area is an area of airspace having defined dimensions, designated by the Administrator, which extends upward from an altitude of 700 feet above the surface within which air traffic control is exercised.

(19) *Control zone.* Control zone is a zone of airspace having defined dimensions, designated by the Administrator, which extends upward from the surface, which includes one or more airports, and within which rules additional to those governing flight control areas apply for the protection of air traffic.

(20) *Crew member.* A crew member is any individual assigned by an air carrier for the performance of duty on an aircraft.

(21) *Critical engine (transport category airplanes).* The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(22) *Critical-engine-failure speed (transport category airplanes).* The critical-engine-failure speed is the airplane speed used in the determination of the take-off at which the critical engine is assumed to fail. (See § 4b.114 of this chapter.)

(23) *Deadhead transportation.* Deadhead transportation includes any type of transportation assigned an airman by an air carrier for the purpose of transporting the airman to an airport at which he is required to serve on a flight as a crew member or from the airport at which he was relieved from duty as a crew member to return to his home station.

(24) *Dispatch release.* A dispatch release is an authorization issued by the air carrier specifying the conditions for the origination and continuance of a particular flight.

(25) *Duty aloft.* Duty aloft includes the entire period during which an airman is assigned as a member of an aircraft crew between the time the aircraft leaves the blocks at an airport for flight and the time the aircraft reaches the blocks at the next airport of landing (block-to-block time).

(26) *Effective length of runway.* The effective length of a runway is the distance from the point where the obstruction clearance line intersects the runway to the far end thereof.

(27) *Extended overwater operation.* An extended overwater operation shall be considered an operation over water, other than that over the inland lakes and waterways of the United States, conducted at a distance in excess of 5 miles from the nearest shore line.

(28) *Flight crew member.* A flight crew member is a crew member who is a pilot, flight radio operator, flight engineer, or flight navigator assigned to duty on the aircraft.

(29) *Flight deck duty time.* Flight deck duty time is that portion of flight time during which a flight crew member is engaged in the actual operation of the aircraft.

(30) *Flight engineer.* A flight engineer is an individual whose primary assigned duty during flight over any route or route segment is to assist the pilots in the mechanical operation of the aircraft.

[1] Unless otherwise specified herein, the provisions of Part 43 of this chapter are currently applicable to scheduled passenger air transportation operations. However, it is anticipated that that part will be revised to make it applicable only to private operations. If that revision is acomplished, appropriate changes will be made in this part to include the provisions of Part 43 of this chapter applicable to scheduled passenger air transportation operations.

[2] Section 292.1 of the Economic Regulations of the Board, currently provides that Alaskan air carriers shall include certificated and noncertificated air carriers engaging solely in air transportation within the Territory of Alaska.

(31) *Flight navigator.* A flight navigator is an individual whose primary assigned duty during flight over any route or route segment is to navigate the aircraft.

(32) *Flight radio operator.* A flight radio operator is an individual whose primary assigned duty during flight over any route or route segment is to communicate by radio with other stations.

(33) *Flight time.* Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the end of the flight (block-to-block time).

(34) *IFR.* IFR is the symbol used to designate instrument flight rules.

(35) *Long distance operation.* A long distance operation is one in which the time interval between stops is of sufficient duration to require that the dispatch be based entirely on forecasts of weather expected at the intended destination and alternates.

(36) *Maximum certificated take-off weight.* The maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.[4]

(37) *Minimum control speed.* The minimum control speed is the minimum speed at which the aircraft can be safely controlled after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

(38) *Month.* Month shall mean that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

(39) *Night.* Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the American Air Almanac converted to local time for the locality concerned.[5]

(40) *Obstruction clearance line.* The obstruction clearance line is a line with a slope to the horizontal of 1/20 drawn tangent to or clearing all obstructions shown in a profile of the approach or take-off area.

(41) *Operational control.* Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

(42) *Passenger.* A passenger is an occupant of an aircraft in flight other than a crew member, company employee, or authorized representative of the Administrator or the Board.

(43) *Passenger-carrying aircraft.* An aircraft carrying a passenger shall be considered a passenger-carrying aircraft.

(44) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(45) *Pilot in command.* The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(46) *Pilotage.* Pilotage is navigation by means of visual reference to landmarks.

(47) *Point.* Point includes any airport or place where aircraft may be landed or taken off including the area within a 50-mile radius of such airport or place.

(48) *Point-of-no-return.* The point-of-no-return is the point beyond which the aircraft no longer has sufficient fuel, exclusive of fuel reserves, under existing conditions, to return to the airport of departure or any alternate therefor.

(49) *Power-off stall speed.* The power-off stall speed is the minimum flight speed at which the airplane with engines idling is controllable in the landing configuration. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

(50) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(51) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust parallel to the longitudinal axis of the aircraft.

(52) *Provisional airport.* A provisional airport is an airport used by an air carrier for the purpose of providing adequate service to a community when the regular airport serving that community is not available and which airport has been approved in accordance with procedures established by the Board.

(53) *Rating.* Rating is an authorization issued with a certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

(54) *Refueling airport.* A refueling airport is an airport approved as an airport to which flights may be dispatched for refueling only.

(55) *Regular airport.* A regular airport is an airport approved for the regular servicing of a point on an authorized route of an air carrier.

(56) *Route.* A route is an approved flight path which joins those points on the surface of the earth between which an air carrier provides air transportation in accordance with the terms of its certificate of public convenience and necessity issued by the Board.

(57) *Route segment.* A route segment is a portion of a route, each terminus of which is identified by:

(i) A continental or insular geographic location,

(ii) A point at which some specialized aid to air navigation is located, or

(iii) A point at which a definite radio fix is located.

(58) *Runway.* A runway is a clearly defined rectangular area of an airport suitable for the safe landing and take-off of aircraft.

(59) *Scheduled to serve or scheduled for duty.* Scheduled to serve or scheduled for duty shall mean the projected operations of an airman established and published by an air carrier rather than the actual operations.

(60) *Second in command.* Second in command is any pilot, other than the pilot in command, assigned as a flight crew member who is designated by the air carrier to act as second in command of the aircraft during the time defined as flight time.

(61) *Short distance operation.* A short distance operation is one which involves intermediate stops of sufficient frequency to permit the dispatch from each such stop to be based on spot weather reports or a combination of spot weather reports and forecasts.

(62) *Synthetic trainer.* A synthetic trainer is an approved device which simulates flight operating conditions.

(63) *Take-off surface.* The take-off surface shall include the runway and such other unpaved area on the downwind end thereof, within the airport boundaries as may be used easily and safely for stopping the aircraft under all weather conditions.

(64) *Transport category aircraft.* Transport category aircraft are aircraft which have been type certificated in accordance with the requirements of Part 4b of this chapter, or under the transport category performance requirements of Part 4a of this chapter.

(65) *Type.* Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

(66) *UHF.* UHF is the symbol used to designate ultrahigh frequency.

(67) V_1. V_1 is the symbol used to designate the critical-engine-failure speed. (See § 4b.114 (a) of this chapter.)

(68) V_2. V_2 is the symbol used to designate the take-off safety speed. (See § 4b.114 (b) of this chapter.)

(69) *VFR.* VFR is the symbol used to designate visual flight rules.

(70) *VHF.* VHF is the symbol used to designate very high frequency.

(71) V_{s_0}. V_{s_0} is the symbol used to designate the stalling speed of an aircraft or the minimum steady flight speed with wings flaps in the landing position. (See §§ 4b.112 (a) and 4b.160 of this chapter.)

(72) *Visibility.* Visibility is the greatest horizontal distance at which conspicuous objects can be seen and identified.

CERTIFICATION RULES

§ 40.3 *Certificate required.* No person subject to the provisions of this part shall operate passenger-carrying aircraft in scheduled interstate, overseas, or foreign air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 40.4 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the

[4] Note that the aircraft airworthiness certificate incorporates as a part thereof the aircraft operating record or an airplane flight manual which contains the pertinent limitation.

[5] The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

routes over which, the air carrier is authorized to operate.

§ 40.5 *Application for certificate.* An application for an air carrier operating certificate shall be made in the manner and contain information prescribed by the Administrator.

§ 40.6 *Issuance.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant if the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations in aircraft of less than 12,500 pounds maximum certificated take-off weight, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the act, require or permit a deviation from any specific requirement of this part for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate, or amendment thereto, specifying therein the deviation and the period during which such deviation may be permitted. The Administrator shall promptly notify the Board of any deviation included in the air carrier operating certificate and the reasons therefor.

§ 40.7 *Amendment.* (a) The Administrator may, after notice and opportunity for hearing, amend an air carrier operating certificate, if he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator may amend an air carrier operating certificate, if he finds that the general standards of safety permit such an amendment.

§ 40.9 *Display.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 40.10 *Duration.* (a) An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

(b) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act, the Civil Air Regulations, or the air carrier operating certificate occurring during the effective period of such certificate.

§ 40.11 *Transferability.* An air carrier operating certificate is not transferable.

§ 40.12 *Inspection.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the act, the Civil Air Regulations, and the provisions of the air carrier operating certificate and manuals.

§ 40.13 *Operations base, maintenance base, and/or office.* On or before January 1, 1951, each scheduled air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and principal maintenance base. Thereafter, prior to any change in any such office, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 40.15 *Route requirements; demonstration of competence.* No air carrier shall conduct scheduled passenger operations between points authorized by the Board until the air carrier has demonstrated to the Administrator that it is competent to operate between such points.

§ 40.16 *Width of routes.* (a) The width of routes and route segments shall be determined in accordance with the following rules:

(1) If navigation is accomplished from the pilot station, the route or route segment shall include the navigable airspace 5 miles on each side of the center line of the track approved by the Administrator unless the flight is conducted at the altitudes specified in subparagraph (2) of this paragraph.

(2) If specialized navigation is required, or if the flight is conducted within the United States above 12,500 feet east of longitude 100° W. and above 14,500 feet west of longitude 100° W., the route or route segment shall have no designated width.

§ 40.17 *IFR routes.* Within the continental limits of the United States, routes over which operations are to be conducted under IFR shall be authorized only in control areas, except that the Administrator, after giving due consideration to the volume of air traffic on and the existence of traffic control facilities available along a particular route outside of control areas, may authorize operations to be conducted under IFR along such route.

§ 40.18 *Airports.* The air carrier shall show that each route has sufficient airports properly equipped and adequate for the type of operations to be conducted in accordance with standards prescribed by the Administrator. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigation and communications aids, and traffic control.

§ 40.19 *Communications facilities.* The air carrier shall show that a two-way ground-to-aircraft radio communications system is available at such points as will insure reliable and rapid communications over the entire route, either direct or via approved point-to-point channels, between the aircraft and the appropriate dispatch office and between the aircraft and the appropriate air traffic control unit: *Provided*, That for operations within the continental limits of the United States such ground-to-aircraft radio communications system utilized by scheduled air carriers shall be independent of those systems operated by the Federal Government.

§ 40.20 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available at such points along the route as are necessary to insure weather reports and forecasts sufficient for the operation. Weather reports and forecasts used to control flight movements shall be prepared from observations made and released by the United States Weather Bureau, or by a source approved by the Weather Bureau, or, when such observations are not available, by a source found by the Administrator to be satisfactory.

§ 40.21 *En route navigational facilities.* (a) The air carrier shall show that the following navigational facilities are available along each route for the following types of operations:

(1) No nonvisual ground aids to navigation are required for day or night IFR operations where the characteristics of the terrain are such that navigation can be conducted by reference to reliably visible landmarks or visual ground aids.

(2) Where navigation is accomplished by celestial or other specialized means of navigation, nonvisual ground aids for navigation shall be so located as to permit navigation to any regular or alternate airport from the point where the Administrator finds such celestial or specialized navigation is no longer necessary.

(3) Where navigation is accomplished other than in accordance with subparagraphs (1) or (2) of this paragraph, nonvisual ground aids for navigation shall be so located as to permit navigation to any regular or alternate airport within the degree of accuracy necessary for the type of operation involved.

(b) Considering the traffic density along the route, nonvisual ground aids for navigation shall be such that aircraft can be navigated to the degree of accuracy required to adhere to the flow of traffic established for air traffic control.

§ 40.22 *Modification or discontinuance of radio navigational facilities.* Each air carrier shall immediately advise the Administrator of its desire to modify or discontinue the use of any radio or navigational facility originally approved for use by the air carrier. Such modification or discontinuance of use shall not be accomplished without prior written authorization of the Administrator.

§ 40.23 *Servicing and maintenance facilities.* (a) The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of aircraft and auxiliary

equipment, and that it has an adequate training program to insure the continued competence of all maintenance and inspection personnel.

(b) Subject to the approval of the Administrator an air carrier may make arrangements with another person for the performance of the required maintenance, alteration, repair, inspection, and servicing functions.

§ 40.24 *Maintenance and inspection organization.* The air carrier shall show that it has, or the person with whom arrangements for the maintenance and inspection were made in accordance with the provisions of § 40.23 (b) has, separate maintenance and inspection organizations. The size of each of these organizations shall be commensurate with the amount of maintenance required, the number of aircraft operated, and the extent of the operation.

(a) The personnel of the inspection organization shall function independent of the maintenance personnel on all airworthiness matters. They shall be responsible for determining that workmanship, methods employed, and materials used conform to the requirements of the Civil Air Regulations and the maintenance manual and that any airframe, powerplant, propeller, or appliance released for flight is airworthy.

(b) All individuals directly in charge of the inspection, maintenance, overhaul, or repair of any airframe, powerplant, propeller, or appliance shall hold appropriate airman certificates.

§ 40.25 *Location of dispatch centers.* The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper clearance, dispatch, and necessary operational control in the safe conduct of each flight.

In determining the location of dispatch centers the following factors shall be considered:

(a) Route mileage and distance involved,
(b) Frequency of stops and flights,
(c) Terrain,
(d) Weather,
(e) Aircraft and equipment,
(f) Navigational aids and facilities,
(g) Communications,
(h) Air traffic control,
(i) Number of dispatchers and assistants provided and work load, including additional duties and responsibilities assigned dispatchers, and the facilities which dispatchers have to accomplish their functions, such as interphones, direct lines, teletypes, availability of analyzed meteorological information, etc.

REQUIRED MANUALS

§ 40.30 *Compliance with manuals.* No operation, maintenance, inspection, practice, or procedure shall be conducted other than in accordance with the provisions of the manual material required by this part.

§ 40.31 *Operations manual.* (a) The air carrier shall prepare and keep current an operations manual for the use and guidance of flight and ground operations personnel in the conduct of safe flight operations. The manual shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. It shall contain complete instructions, information, and comprehensive data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. This manual may be in two or more separate parts (e. g. flight crew and ground operations) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General operating policies,
(2) Organization and personnel,
(3) Duties and responsibilities of each flight crew and crew member and appropriate members of the ground organization,
(4) Appropriate Civil Air Regulations and Civil Aeronautics Manuals,
(5) Reports and records,
(6) Flight dispatching and control,
(7) En route flight, navigation, and communication procedures, including procedures for the continuance of flight if any piece of equipment required for the particular type of operation becomes inoperative or unserviceable in flight,
(8) En route operation specifications, including for each approved route the type of aircraft authorized, its crew complement, the type of operation (i. e., VFR, IFR, day, night), the instruments and equipment for operations on which specialized means of navigation are required and other pertinent information,
(9) Airport operations specifications, including for each airport its location, its designation (i. e. regular, alternate, provisional, etc.), type of aircraft authorized, instrument approach procedures, landing and take-off minimums, and other pertinent information,
(10) Take-off, en route, and landing weight limitations,
(11) Procedures for the supervision and protection of passengers during refueling of aircraft and for briefing and familiarizing passengers with the use of emergency equipment during flight,
(12) Emergency procedures and equipment,
(13) The method of designating succession of command of flight crew members,
(14) Procedures for determining the usability of all landing and take-off operations and of dissemination of pertinent information to operations personnel, and
(15) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any other unusual meteorological conditions.

(b) General information and instructions for operations personnel whether or not related to the conduct of safe flight operations may be included in the operations manual, but it shall not be considered a part thereof for purposes of this part.

(c) At least one complete master copy of the operations manual containing all parts thereof shall be retained at the principal operations base of the air carrier.

§ 40.32 *Maintenance manual.* (a) The air carrier shall prepare and keep current a manual for the guidance of personnel concerned with the repair, maintenance, and inspection of the airframes, powerplants, propellers, and appliances to be used by the air carrier. The manual shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. It may be in two or more separate parts, but each part shall contain such complete instructions, information, and comprehensive data on each of the subjects listed below as is necessary for the maintenance personnel to carry out their duties and responsibilities with a high degree of safety:

(1) General policies,
(2) Duties and responsibilities of maintenance personnel,
(3) Instructions and procedures for maintenance, repair, overhaul, and servicing,
(4) Time limitations for overhaul, inspection, and checks, and standards governing revision of such time limitations,
(5) Procedures for refueling aircraft, elimination of fuel contamination, protection from fire including electrostatic protection; and the supervision of passengers during refueling,
(6) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection department,
(7) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits,
(8) Other data or instructions related to safety.

(b) General information and instructions for maintenance personnel which are not related to the mechanical safety of the aircraft may be included in the maintenance manual, but it shall not be considered a part thereof for purposes of this regulation.

(c) At least one complete master copy of the maintenance manual containing all parts thereof shall be retained at the principal maintenance base of the air carrier.

§ 40.33 *Approval of manual material; general.* No provision of the operations or maintenance manuals or any change therein shall be effective unless approved in accordance with the provisions of these regulations: *Provided*, That all manual material in effect on the effective date of this part, except changes required for compliance with the provisions of revised Part 40, shall be considered as approved.

§ 40.34 *Manual material requiring written approval of Administrator.* The provisions of the manuals, including changes in approved procedures, relating to the en route and airport operations specifications (see § 40.31 (a) (8) and (9)), the standards for the establishment of time limitations for aircraft overhaul, inspections, or checks, or the approved time limitations where no such standards exist, any material inserted at the direction of the Administrator in the interest of safety, and any change in the list of aircraft authorized for use by the air carrier, shall be approved in

writing by the Administrator prior to their becoming effective.

§ 40.35 *Initial approval of manuals.* Where a new carrier is certificated, or where a certificated carrier is authorized by the Board to serve new points to the extent that new or additional manual material need be prepared, the manual or manual material shall be filed at least 60 days prior to the anticipated date for commencement of operations, unless special permission in writing is received from the Administrator. Except as provided in § 40.34, the provisions of such manual shall be considered as initially approved by the Administrator unless the Administrator notifies the air carrier concerned in writing, prior to the established date for commencement of operations, that he finds specified provisions or omission of provisions constitute a hazard to air safety and states the particular reason or reasons for such finding. In the event of disapproval by the Administrator, the air carrier may request a hearing before the Administrator and review by the Board as provided in § 40.38.

§ 40.36 *Approval of proposed changes in manual material submitted by the air carrier.* All changes in approved manual material proposed by the air carrier shall be filed with the Administrator through the appropriate CAA regional office at least 30 days prior to the anticipated effective date thereof, unless permission for a shorter filing period is given by the Administrator. If the Administrator does not notify the air carrier in writing of his disapproval of such proposed changes prior to the anticipated effective date thereof, the proposed changes shall be considered as approved. Where the Administrator disapproves of any proposed change, he shall notify the carrier in writing of the reason or reasons he considers the material to constitute a hazard to air safety and shall notify the air carrier that it cannot operate under such provision. In the event of disapproval, the air carrier may request a hearing before the Administrator and review by the Board as provided in § 40.38.

§ 40.37 *Changes in manual material prescribed by the Administrator.* (a) All changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the appropriate manual.

(b) Where the Administrator determines that any provision of a manual previously approved constitutes a hazard to air safety, he shall so notify the air carrier in writing, shall inform the air carrier of his reason or reasons therefor, and shall prescribe the changes necessary in the interest of safety pending the conclusion of a hearing and review as provided in § 40.38.

§ 40.38 *Hearing on and review of Administrator's disapproval of manual material.* (a) Where the Administrator has disapproved proposed manual material submitted by an air carrier, or has prescribed a change in manual material previously approved, and where the air carrier does not concur in such action, the air carrier may request in writing that it be given an informal hearing before the Administrator or his designated representative. The air carrier shall be given an opportunity to present its views orally and in writing, and a record of such informal hearing shall be made.

(b) Upon completion of the hearing, the air carrier may, within 30 days from the date of the Administrator's decision, request the Board, in writing, to review the record of the hearing and the decision of the Administrator, and the air carrier may submit to the Board, in writing, such additional material as it may desire to present.

(c) Where the air carrier fails to request review by the Board within the prescribed period, the decision of the Administrator shall be binding on all parties.

(d) Pending conclusion of the hearing before the Administrator and review thereof by the Board, the Administrator shall suspend the effectiveness of any manual material which he considers constitutes a hazard to air safety.

§ 40.39 *Solicitation of views of crew members.* (a) Where proposed manual material directly affects crew complement, the crew members affected thereby shall be given an opportunity to file objections with the Administrator through the appropriate CAA regional office and, if they believe that safety is being jeopardized, an opportunity for an informal hearing before the Administrator shall be given in accordance with the provisions of § 40.38.

(b) Where a request for review by the Board of the Administrator's decision based upon a hearing is filed by an air carrier, the interested crew members may submit to the Board, in writing, such arguments and views as they desire.

§ 40.40 *Compliance with manuals.* No operation shall be conducted by an air carrier contrary to the safety provisions of the operations manual or the maintenance manual.

§ 40.41 *Distribution of manuals.* (a) Copies and revisions of operations and maintenance manuals shall be furnished to the following:

(1) The Administrator,

(2) Authorized representatives of the Administrator assigned to the air carrier to act as aviation safety agents,

(3) Appropriate operations and maintenance personnel of the air carrier.

(b) All copies of manuals shall be kept up to date.

AIRCRAFT REQUIREMENTS

§ 40.50 *General.* Aircraft shall be identified, certificated, and equipped in accordance with the applicable requirements of the Civil Air Regulations. No air carrier shall operate any aircraft in scheduled passenger operations unless it meets the requirements of this part and is listed in the air carrier operating certificate.

§ 40.51 *Aircraft certification requirements*—(a) *Aircraft certificated prior to June 30, 1942.* Aircraft certificated as a basic type prior to June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of §§ 40.62 through 40.65 over each route to be flown, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this chapter or the requirements of Part 4b of this chapter, and shall meet the requirements of §§ 40.53 through 40.61.

(b) *Aircraft certificated after June 30, 1942.* Aircraft certificated as a basic type after June 30, 1942, shall be certificated as transport category aircraft and shall meet the requirements of §§ 40.53 through 40.61 over each route to be flown.

(c) *Aircraft used after December 31, 1953.* Aircraft used after December 31, 1953, shall comply with all of the requirements of Part 4b of this chapter or the transport category requirements of Part 4a of this chapter, and shall meet the requirements of §§ 40.53 through 40.61 over each route to be flown.

§ 40.52 *Aircraft limitation for type of route.* All aircraft used in scheduled passenger air transportation shall be multiengine aircraft and shall comply with the following requirements:

(a) *Two- or three-engine aircraft.* Two- or three-engine aircraft shall meet the requirements of § 40.57 and shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the aircraft will at no time be at a greater distance therefrom than 45 minutes of flying time at normal cruising speeds.

(1) Where the Administrator determines that the character of the terrain, the type of operation, or the performance of the aircraft to be used require or permit airports to be located at greater or lesser distances than specified in paragraph (a) of this section, and where he further determines that adequate safety along the proposed routes will be assured if such airports are used, he may authorize or require the location of airports at such greater or lesser distances.

(b) *Four-engine aircraft.* Four-engine aircraft shall be operated in accordance with § 40.58.

(c) *Land aircraft on overwater routes.* Land aircraft operated on flights involving extended overwater operations shall be certificated as adequate for ditching in accordance with the standards prescribed in § 4b.261 of this chapter.

OPERATING LIMITATIONS

§ 40.53 *Operating limitations for transport category airplanes.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 40.54 through 40.61 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category aircraft the data contained in the airplane flight manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables

where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

§ 40.54 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination, or have any airport specified as an alternate, which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 40.55 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements:

(a) It shall be possible, from any point on the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter, it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries.

(1) In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying paragraphs (a) and (b) of this section, correction shall be made for any gradient of the take-off surface. Take-off data based on still air may be corrected to allow for the effect of a favorable wind according to reported wind conditions: *Provided,* That not more than 50 percent of the wind component along the direction of take-off may be used.

§ 40.56 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least $6V_{s_0}$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil.

§ 40.57 *En route limitations; one engine inoperative.* No airplane of a maximum certificated weight of less than 40,000 pounds shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $0.02\ V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles either side of the intended track; for airplanes of a maximum certificated weight of 40,000 to 60,000 pounds, inclusive, the rate of climb shall increase linearly in relation to weight to $0.04\ V_{s_0}^2$; for airplanes of a maximum certificated weight of over 60,000 pounds, the rate of climb shall be $0.04\ V_{s_0}^2$; for transport category airplanes certificated under Part 4a, the rate of climb shall be $0.02\ V_{s_0}^2$ for all maximum certificated weights. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil.

§ 40.58 *En route limitations; two engines inoperative.* No airplane having four or more engines shall be flown along an intended track except under the following conditions: *Provided,* That this section shall not apply to transport category airplanes certificated under Part 4a of this chapter:

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing may be made in accordance with the requirements of § 40.61, assuming all engines are operating at cruising speed; or

(b) The take-off weight is such that the airplane with two engines inoperative shall have a rate of climb (expressed in feet per minute) of at least $0.01\ V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher.

(1) The rate of climb referred to in paragraph (b) of this section shall be determined by assuming the airplane's weight to be either that attained at the moment of failure of the second engine, assuming that failure to occur 90 minutes after departure, or that which may be attained by dropping fuel at the moment of failure of the second engine assuming that sufficient fuel is retained to arrive at an altitude of at least 1,000 feet directly over the landing area.

§ 40.59 *En route limitations; where special air navigational facilities exist.* The 10-mile lateral distance specified in §§ 40.56 through 40.58 may, for a distance of no more than 20 miles, be reduced to 5 miles, if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.60 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated hereinafter in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every probable wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50 percent of the favorable wind component.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with § 40.61.

§ 40.61 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a flight plan unless the aircraft at the weight at take-off can comply with the requirements of paragraphs (a) and (b) of § 40.60 at such airport: *Provided,* That the aircraft can be brought to rest within 70 percent of the effective length of the runway.

§ 40.62 *Operating limitations for aircraft not certificated in the transport category.* In operating any passenger-carrying, large, nontransport category airplanes after January 1, 1951, the provisions of §§ 40.63 through 40.65 shall be complied with. Prior to that date, such aircraft shall be operated in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. Performance data published by the Administrator for each such nontransport category type aircraft shall be used in determining compliance with these provisions.

§ 40.63 *Take-off limitations.* No take-off shall be made except under conditions which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point on take-off up to the time of attaining, with all engines operating at normal take-off power, 105

percent of the minimum control speed or 115 percent of the power-off stall speed in the take-off configuration, whichever is greater, as shown by the accelerate-stop distance data.

(a) In applying this requirement, take-off data shall be based upon still-air conditions, and no correction shall be made for any uphill gradient of 1 percent or less when such percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For all uphill gradients greater than 1 percent, the effective take-off length of the runway shall be reduced 20 percent for each 1 percent grade.

§ 40.64 *En route limitations; one engine inoperative.* No airplane shall be taken off at a weight in excess of that which, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil; that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available. The 10-mile lateral distance specified herein may, for a distance of no more than 20 miles, be reduced to 5 miles, provided that special air navigational facilities provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.65 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions hereinafter stated in paragraphs (a) and (b) of this section would permit the airplane to be brought to rest at the field of intended destination within 70 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every possible wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50 percent of the favorable wind component.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with paragraphs (a) and (b) of this section.

§ 40.66 *Specific airworthiness requirements*—(a) *General; Administrator's power.* Irrespective of the basis of airworthiness certification, all aircraft shall comply with the requirements of paragraphs (b) through (i) of this section, except that the Administrator, where he finds that for particular types of airplanes literal compliance with specific items is impracticable or impossible, may accept such measures of compliance as he finds will attain an equivalent level of safety.

(b) *Fire prevention.* Aircraft powered by engines rated at more than 600 horsepower each for maximum continuous operation shall, when used in passenger service, comply with the fire prevention requirements of Part 4b of this chapter.

(c) *Control of engine rotation.* All aircraft shall comply with § 4b.401 (c) of this chapter.

(d) *Fuel system independence.* All aircraft shall comply with § 4b.411 of this chapter.

(e) *Induction system ice protection.* All aircraft shall comply with § 4b.461 of this chapter.

(f) *Pilot windshield; bird impact.* On and after January 1, 1952, all aircraft shall comply with § 4b.352 (b) of this chapter.

(g) *Passenger compartments.* All projecting objects in interior portions of the aircraft structure which might cause injury to persons seated or moving about the aircraft during normal flight shall be padded.

(h) *Separation of passengers and crew members from cargo.* Passengers and crew members shall be separated from cargo loaded in racks, bins, or compartments by adequate permanent or removable partitions which meet the requirements of § 4b.359 of this chapter.

(i) *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in the specified cargo racks, bins, or compartments, such cargo may be carried in the passenger compartment if the following requirements are complied with: *Provided*, That the Administrator, under a particular set of circumstances, may authorize deviations from these requirements where he finds that safety will not be adversely affected and that it is in the public interest to carry such cargo.

(1) It shall be packaged or covered in a manner to prevent possible injury to passengers.

(2) It shall be properly secured in the aircraft by means of safety belts or other tie-downs possessing sufficient strength to withstand the loads specified in § 4b.359 of this chapter in order to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(3) It shall not be carried aft of seated passengers.

(4) It shall not impose any loads on seats or the floor structure which exceed loads for those components.

(5) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and passenger compartments.

§ 40.67 *Proving tests.* (a) The proving tests set forth in this section shall be conducted by the air carrier prior to carrying passengers for compensation or hire to insure that all personnel involved are sufficiently familiar with the maintenance and operation of the specified equipment and to insure that such equipment is suitable for the facilities available and operations to be conducted.

(b) A type of aircraft not previously used by the air carrier shall have at least 100 hours of proving tests in addition to the aircraft certification tests accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall have been flown at night.

(c) Where an aircraft which has been previously proved is altered in design or is to be used on a substantially different operation than that for which proved, the aircraft shall be tested for at least 50 hours of which at least 25 hours shall be flown over authorized routes.

(d) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

§ 40.70 *Aircraft instruments and equipment.* The equipment specified in §§ 40.71 through 40.79 shall be required for all operations. In addition, the instruments and equipment specified in §§ 40.80 through 40.89 shall be required for the type of operation indicated. All such instruments and equipment shall be approved and installed in accordance with the provisions of the pertinent airworthiness requirements.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 40.71 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) General: The instruments specified in § 4b.603 of this chapter.

(b) Mach air-speed indicator on all aircraft which are limited in speed by Mach effect within their altitude operating range.

(c) Gyroscopic bank and pitch indicator of a nonupsetting type.

(d) Accelerometer gust load recorder with manual reset record pointers which will readily indicate to the flight crew the maximum negative and positive accelerations in gravity units of the stresses imposed along the normal (vertical) axis of the aircraft.

(e) Flight recorder: No aircraft of over 12,500 pounds maximum authorized take-off weight shall be operated in scheduled air transportation after July 1, 1952, unless it is equipped with instrumentation to record continuously during flight the altitude of the aircraft and

the vertical accelerations to which the aircraft may be subjected, the values of both these items to be recorded against a time scale of at least 2 inches to the hour. The recording device shall be substantially protected from jarring and from the effects of fire and shall be located as far back in the fuselage as practicable, in any case at least aft of the most rearward bulkhead.

§ 40.72 *Powerplant instruments for all operations.* The following powerplant instruments are required for all operations:

(a) General: The instruments specified in § 4b.604 of this chapter.

(b) Warning indicator for each fuel pressure gauge; or, where a master indicator is used, there shall be an individual circuit breaker for each engine available to the crew in each warning light circuit, and a dual master light,

(c) Warning indicator for each oil pressure gauge; or, where a master indicator is used, there shall be an individual circuit breaker for each engine available to the crew in each warning light circuit, and a dual master light,

(d) Torquemeter or its equivalent for each engine on aircraft certificated after January 1, 1952, and

(e) A fuel flow indicator.

§ 40.73 *Emergency equipment for all operations.* (a) The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. It shall be readily accessible to the crew, and its method of operation shall be marked plainly. When such equipment is carried in compartments or containers, the compartments or containers shall be marked to identify the contents for the benefit of passengers and crew.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for crew, passenger, and cargo compartments in accordance with the following requirements:

(1) The types and quantities of extinguishing agents shall be suitable for the types of fires likely to occur in the compartments where the extinguishers are intended to be used. Extinguishers intended for use in personnel compartments shall be such that they will not produce hazardous concentrations of toxic gases in such compartments.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of aircraft accommodating more than six but less than 30 passengers. On aircraft accommodating 30 or more passengers, at least one fire extinguisher shall be provided for each 30 seats available. None need be provided in passenger compartments of aircraft accommodating six or less persons.

(4) Hand fire extinguishers shall be provided for cargo and baggage compartments in accordance with the provisions of § 4b.383 of this chapter.

(c) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane. This equipment shall be stowed in a conspicuously marked location.

(d) *Emergency evacuation equipment.* (1) Where the aircraft design is such that, when the aircraft is tipped to an attitude likely to result from a landing accident, the regular exits would not be sufficiently close to the ground to enable passengers and crew to be safely and expeditiously evacuated without danger of injury, adequate evacuation equipment, such as chutes, rigid ladders, etc., shall be provided. Such evacuation equipment shall be located adjacent to all such regular exits or shall be stowed in conspicuously marked locations ready for use.

(2) All aircraft shall be equipped with at least one crash ax for each 30 persons or portion thereof, including the crew, which the aircraft is designed to accommodate. This equipment shall be stowed in conspicuously marked locations and in a manner readily available for use.

§ 40.74 *Safety belts for all operations.* (a) A safety belt for each passenger and crew member shall be installed in each aircraft. The rated strength of each belt assembly shall conform to the requirements set forth in paragraphs (b) and (c) of this section.

(b) The minimum rated strength of each safety belt assembly shall correspond to the ultimate load factor specified in the airworthiness parts of the Civil Air Regulations, due account being taken of the dimensional characteristics of the safety belt installation for the particular seat or berth arrangement.

(c) If at any time visual inspection indicates that the webbing of the safety belt has deteriorated appreciably, it shall not be utilized unless it is demonstrated that the belt assembly is capable of withstanding a load equal to 75 percent of the rated strength without sign of failure. Each safety belt in use 24 months from the date of its manufacture shall, at that time and at least once each 6 months thereafter, be tested to determine whether it can withstand a load equal to 75 percent of its rated strength without showing signs of failure.

§ 40.75 *Shoulder harnesses for flight crew members for all operations.* Subsequent to the first major overhaul of the fuselage after January 1, 1951, but in no event later than January 1, 1952, a shoulder harness shall be provided at each flight crew member's station. The rated strength of each shoulder harness shall comply with the standards prescribed in paragraphs (b) and (c) of § 40.74.

§ 40.76 *Miscellaneous equipment for all operations.* All aircraft shall be equipped with the following equipment:

(a) The equipment listed in paragraphs (a), (b), (c), (e), (h), and (i) of § 4b.605 of this chapter.

(b) An alternate source of energy capable of carrying the required load for all required radio communications and navigational equipment and for all required instruments requiring a power supply. Engine-driven sources of energy, when used, shall be on separate engines. An auxiliary power unit may be used in lieu of one such source of energy. The installation shall be such that the failure of energy from one source, or the failure of the transmission system for such source, will not interfere with the proper functioning of the instruments operated with the other sources of energy.

(c) Means for indicating whether the power supply for gyroscopic and electric instruments is functioning properly.

(d) Static air vent systems, if installed for required instruments, shall comply with all requirements specified in the appropriate airworthiness regulation for the primary system. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall be provided with a positive positioning control, and shall be marked to clearly indicate which system is being used.

(e) Keys or other means readily available to the flight crew by means of which they can lock or open all lockable compartments which are accessible in flight, including those which can be locked by passengers from the inside.

(f) For seaplanes only, anchor light or lights, a warning bell for signalling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 40.77 *Cockpit check system for all operations.* The air carrier shall provide for each type of aircraft a cockpit check system adapted to each operation in which the aircraft is to be utilized. This system shall include all items necessary for flight crew members to check for safety prior to starting engines, prior to taking off, prior to landing, and in powerplant emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each aircraft.

§ 40.78 *Passenger information for all operations.* All aircraft shall be equipped with signs located in the passenger compartment in such a manner as to be visible to passengers and cabin attendants to notify such persons when smoking is prohibited, when safety belts should be fastened, and, where applicable, when oxygen should be used. These signs shall be capable of on-off operation by the crew. Additional means of informing passengers and cabin attendants of matters pertaining to safety, such as a public address system, may be used.

§ 40.79 *Exit and evacuation marking for all operations.* (a) All exits shall be so marked or illuminated as to permit ready identification and to attract the attention of the occupants of the aircraft either in the light or in the dark. The location of the exit operating handles and clear, concise instructions for opening exits shall be plainly marked on or adjacent to the exits for the guidance of the occupants of the aircraft.

(b) The instructions for opening exits shall be painted with a luminous paint to permit them to be read in complete darkness unless there is installed, for each exit, a source of light with an integral energy supply independent from the main lighting system which will function automatically or mechanically to illuminate the exit markings in the event of a crash landing.

(c) The exterior areas of the fuselage of an aircraft shall be marked to indicate those areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 40.80 *Instruments and equipment for operations at night.* Each aircraft operated at night shall be equipped with the following instruments and equipment in addition to those required for all operations:

(a) Approved flashing position lights,

(b) Two approved landing lights,

(c) Two approved Class I landing flares meeting the requirements of § 4b.642 of this chapter,

(d) Instrument lights in accordance with the provisions of Part 4b of this chapter,

(e) A light in each passenger compartment,

(f) One flashlight for each crew position, plus at least one heavy-duty electric lantern for each 30 passengers or portion thereof, conveniently located for use in passenger compartments,

(g) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing, and

(h) A sensitive-type altimeter.

§ 40.81 *Instruments and equipment for operations under IFR.* Each aircraft operated under IFR shall be equipped with the following instruments in addition to those required for all operations:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing, and

(b) A sensitive-type altimeter.

§ 40.82 *Instruments and equipment for operations on which specialized means of navigation are required.* The air carrier shall provide instruments and equipment necessary to permit navigation to be accomplished by the specialized method authorized for the particular route to be operated.

§ 40.83 *Supplemental oxygen*—(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 40.84, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(b) *Crew members.* (1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the entire flight time at such altitudes.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following requirements:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 40.84 *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. The oxygen supply required by § 40.86 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at altitudes above 15,000 feet, a supply sufficient to comply with § 40.83 (c) (3);

(ii) For the duration of the flight at altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 40.83 (c) (2); and

(iii) For flight at altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at an altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 40.83 (c) (2) and (c) (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to altitudes permitting safe flight with respect to terrain clearance.

§ 40.85 *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.83 shall meet the standards established in § 4b.651: *Provided,* That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 40.86 *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 40.87 *Equipment for extended overwater operations.* (a) The following

equipment shall be required for all extended overwater operations:

(1) An automatic pilot,

(2) One compass in adidtion to that required "for all operations," at least one of which shall be of a nonelectric type,

(3) Life preserver or other adequate individual flotation device for each occupant of the aircraft,

(4) Lifesaving rafts sufficient in number to adequately carry all occupants of the aircraft,

(5) Suitable pyrotechnic signaling devices,

(6) One portable emergency radio signaling device, capable of communication on the appropriate emergency frequencies, which is not dependent upon the aircraft power supply and which is self-buoyant and water-resistant, and

(7) Such additional signaling devices and lifesaving means, including emergency rations of food and water, as the particular circumstances of a flight require.

(b) Signaling devices referred to in paragraph (a) (5) of this section shall be so located as to be accessible, shall function satisfactorily, and shall be free from hazard in operation.

(c) Rafts and life preservers referred to in paragraphs (a) (3) and (4) of this section shall be of an approved type and shall be installed so as to be available readily to the crew and passengers. Rafts released automatically or by remote control shall be attached to the aircraft by means of a line which shall be arranged to break before capsizing or submerging the raft.

§ 40.88 *Equipment for operations over regions where search and rescue would be especially difficult.* In addition to the instruments and equipment required for all operations, the equipment specified in paragraphs (a) (5), (6), and (7) of § 40.87 shall be provided for all operations over regions where search and rescue would be especially difficult in the event of an emergency.

§ 40.89 *Equipment for operations in icing conditions.* (a) For all operations in icing conditions each aircraft shall be equipped in accordance with the requirements of paragraphs (b), (c), and (d) with an approved means for the prevention or removal of ice on wings, empennage, propellers, and other parts of the aircraft where ice formation will adversely affect the safety of the aircraft and with at least two independent systems of energy, each of which alone is capable of protecting the aircraft: *Provided,* That prior to January 1, 1955, aircraft which are not, on the effective date of this part, equipped with independent alternate energy sources need not be equipped with such systems of energy.

(b) Where an aircraft is equipped with pneumatic boots, such aircraft shall

(1) Have a positive means of deflating the boots,

(2) Have, with the boots operating, satisfactory flight characteristics within a speed range specified by the Administrator, and

(3) Be operated with the boots installed at a maximum speed no greater than nine-tenths of the maximum speed specified by the Administrator for a particular type of aircraft.

(c) Where an aircraft is equipped with thermal ice protection systems in which the aircraft's engines or combustion heaters are used as the sources of heat,

(1) A means shall be provided by which the crew members can readily determine the temperatures at critical points in the system and maintain them within safe limits, and

(2) Where a combustion heater or group of heaters is considered as one heat source, each such unit shall be so installed that the failure of any one unit, or the associated control or electric and fuel systems serving such unit, will not jeopardize the operation of the other units.

(d) For operations in icing conditions at night an approved means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crew members in the performance of their normal functions.

RADIO EQUIPMENT

§ 40.90 *Radio equipment; general.* Each aircraft used in scheduled passenger air transportation shall be equipped with the radio equipment specified for the type of operation in which it is engaged. All such equipment shall be of an approved type. Where two independent radio systems are required by §§ 40.91 through 40.93, each aircraft shall have independent system antennae and alternate sources of energy as specified in § 40.76: *Provided,* That where UHF and VHF systems are used with rigidly supported nonwire antennae, only one such antenna need be provided.

§ 40.91 *Radio equipment for day operations under VFR over routes navigated by pilotage.* For all day operations conducted under VFR over routes on which navigation can be accomplished by visual reference to landmarks, each aircraft shall be equipped with such radio equipment as is necessary to:

(a) Permit communications, under normal operating conditions, with at least one appropriate ground station (as specified in § 40.19) from any point on the route and with other aircraft operated by the air carrier;

(b) Permit communications with airport traffic control towers from any point in the control zone within which flights are intended. The means employed for compliance with paragraph (a) of this section may be used for compliance with this paragraph; and

(c) Receive meteorological information from any point on the route by either of two independent systems. Either of the means required for compliance with paragraphs (a) and (b) of this section may be used to comply with one of the systems required by this paragraph.

§ 40.92 *Radio equipment for day operations under VFR over routes not navigated by pilotage, for night operations under VFR, or for operations under IFR.* For all day operations conducted under VFR over routes on which navigation cannot be accomplished by visual reference to landmarks, for night operations conducted under VFR, or for operations conducted under IFR, each aircraft, in addition to the equipment required by § 40.91, shall be equipped with such radio equipment as is necessary to receive satisfactorily, by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals need be provided. Equipment provided to receive signals en route may be used to receive signals on approach if it is capable of receiving both signals. During the period of transition from low frequency to very high frequency radio range systems one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route signals: *Provided,* That the ground facilities are so located in relation to the route and the aircraft so fueled that in case of failure of either system the flight may proceed to a suitable alternate airport which has ground radio navigational facilities whose signals may be received by use of the remaining aircraft system.

§ 40.93 *Radio equipment for extended overwater operations and/or for operations outside the continental limits of the United States over uninhabited terrain.* Each aircraft, in addition to the equipment required by § 40.92 shall be equipped with such radio equipment as is necessary to communicate, by either of two independent systems, with at least one appropriate ground station (as specified in § 40.19), from any point on the route and with other aircraft operated by the air carrier. One of the means provided for compliance with this section may be used for compliance with § 40.91 (a).

MAINTENANCE REQUIREMENTS

§ 40.100 *General.* Irrespective of whether the air carrier has made arrangements with another person for the performance of maintenance and inspection functions as authorized by the provisions of § 40.23 (b), each air carrier shall have the primary responsibility of maintaining its aircraft and required equipment in a continuous condition of airworthiness in accordance with accepted standards and good practices, the applicable Civil Air Regulations, the terms of the air carrier operating certificate, and the maintenance manual and of maintaining adequate maintenance facilities, adequate maintenance and inspection organizations, and a training program in accordance with the standards prescribed in §§ 40.23 (a) and 40.24.

§ 40.101 *Maintenance personnel duty time limitations.* All mechanics shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days.

§ 40.102 *Weight control.* Each air carrier shall establish a system for the determination of an accurate weight and center of gravity location for all aircraft at all times.

AIRMAN REQUIREMENTS

§ 40.110 *Utilization of airman; general.* No air carrier shall utilize an individual as an airman unless he holds an appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 40.111 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the type of aircraft, as determined by the Administrator in accordance with the standards hereinafter prescribed and specified in the air carrier operations manual for each route or route segment.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight navigator, flight radio operator, or flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity emergency coverage can be provided for those functions for the safe completion of the flight.

§ 40.112 *Flight radio operator.* An airman holding a flight radio operator certificate shall be required for operations over any area, route, or route segment over which the Administrator has determined that radiotelegraphy is necessary for communication, as required by §§ 40.90 through 40.93, or where communication required by those sections cannot be safely conducted by the pilots at their stations.

§ 40.113 *Flight navigator.* An airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment outside the continental limits of the United States

(a) When celestial navigation is necessary, or

(b) When other specialized means of navigation necessary for the safe conduct of the flight cannot be adequately accomplished from the pilot station. Such conditions shall be deemed to exist when reliable fixes cannot be obtained from the pilot station for any period in excess of one hour, or for any period when so determined by the Administrator upon consideration of the following factors: the normal weather conditions to be encountered, the extent of air traffic control, the amount of traffic congestion, the area of the land at destination, fuel requirements, whether sufficient fuel is carried for return to the point of departure or alternates, and whether flight is predicated upon operation beyond the point-of-no-return.

§ 40.114 *Flight engineer.* An airman holding a flight engineer certificate shall be required on all aircraft certificated for more than 80,000 pounds maximum take-off weight and on all aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require engineer personnel for the safe operation of the aircraft.

§ 40.115 *Cabin attendant.* One or more competent cabin attendants, commensurate with the number of passengers carried, shall be provided by the air carrier on all flights carrying passengers in aircraft of more than 12,500 pounds maximum certificated take-off weight.

§ 40.116 *Aircraft dispatcher.* Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper clearance, dispatch, and necessary operational control for the safe conduct of each flight. In making this determination the following factors shall be considered:

(a) Route mileage and distance involved,
(b) Frequency of stops and flights,
(c) Terrain,
(d) Weather,
(e) Aircraft and equipment,
(f) Navigational aids and facilities,
(g) Communications,
(h) Air traffic control, and
(i) The facilities available to dispatchers for the accomplishment of their functions, such as interphone, direct line teletype, and availability of analyzed meteorological information.

AIRMAN TRAINING

§ 40.120 *Training and maintenance of proficiency program; general.* (a) Each air carrier shall establish and maintain a training program sufficient to insure that each airman used by the air carrier is initially trained, maintains proficiency in his assigned duties, and is kept currently informed of all new developments and techniques pertaining thereto.

(b) The training program for each crew member shall consist of appropriate ground, flight, and emergency procedures training. Emphasis shall be placed on proper crew coordination in all phases of training so that uniform procedures will be followed by each crew member in the performance of his duties and the most efficient utilization of all crew members will be obtained. Procedures for each flight crew function shall be standardized so that each flight crew member will know the functions for which he is responsible as distinct from those for which other flight crew members are responsible.

(c) The crew member emergency procedures training program and the pilot training program shall include at least the requirements specified in §§ 40.121 through 40.123.

(d) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors and check airmen for all phases of the program. All check airmen shall hold airman certificates and ratings appropriate to the type of check being conducted, and each check airman shall, prior to acting as such, meet the appropriate requirements specified in §§ 40.131 through 40.138.

(e) The appropriate ground instructor and check airman shall certify as to the proficiency of each individual upon completion of his training, and such certification shall become a part of the individual's airman records.

§ 40.121 *Crew member emergency training.* (a) The emergency training phase of the training program shall be designed to give each crew member individual instruction in all emergency procedures both ground and air, including stand-by assignments, and to train complete crews in proper crew coordination. At least the following subjects shall be taught: the procedures to be followed in the event of engine failure, fire in the air or on the ground, ditching, evacuation, location and operation of all emergency equipment, and power setting for maximum endurance and maximum mileage.

(b) Synthetic trainers may be used for emergency training of flight crew members where the trainers sufficiently simulate actual flight operating emergency conditions for the equipment to be used.

§ 40.122 *Pilot ground training.* The ground training phase for pilots shall include instruction in the following: (a) The provisions of the air carrier operating certificate and this part and Part 60 of this chapter, with particular emphasis on the operation and dispatch rules and aircraft operating limitations;

(b) The operations manual and dispatch procedures;

(c) The duties and responsibilities of flight crew members;

(d) Thorough familiarization with the type of aircraft to be flown, including a thorough study of the aircraft, engines, and all major component systems, operation of cabin pressurization and oxygen systems, standard operating procedures, and the Civil Aeronautics Administration approved airplane flight manual;

(e) The principles and methods of determining weight limitations for take-off and landing with emphasis on the effect on aircraft performance of variables such as temperature, humidity, and heavy rain;

(f) Navigation and use of radio aids to navigation, including new devices and procedures;

(g) Meteorology sufficient to obtain a practical knowledge of the principles of icing, fog, thunderstorms, frontal systems, etc., and the best methods of operating under these various conditions; and

(h) Airport and airways traffic control systems and procedures and ground control letdown procedures, including familiarization with the actual operation of such systems in the field.

§ 40.123 *Pilot flight training.* The flight training phase for pilots shall in-

clude flight instruction and practice in the following maneuvers and procedures:

(a) In each type of aircraft to be flown in scheduled passenger operations, at not less than the authorized landing weight,

(1) Take-off at maximum take-off power with the critical engine failing at speed V_1 and continued climb-out at speed V_2. Each trainee shall determine the proper values for speeds V_1 and V_2, using the airplane flight manual and taking into account all operating variables;

(2) Where used in air carrier operations, flight in four-engine aircraft with various combinations of two engines inoperative and feathered, utilizing appropriate climb speeds as set forth in the airplane flight manual;

(3) Simulated pull-out from approach configuration accomplished at a safe altitude with the critical engine feathered; and

(4) Procedures for operation in turbulent air and during periods of icing, hail, thunderstorms, or any other unusual meteorological conditions; and

(b) Conduct of flight under simulated instrument conditions, utilizing all of the navigational facilities and letting-down-through procedures as are used by the air carrier in the course of its normal operation.

§ 40.124 *Aircraft dispatcher.* (a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the operations and procedures, air traffic control procedures, the performance of the aircraft used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper governmental and private agencies to render maximum assistance to the aircraft in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily accomplish a written examination covering the following subjects:

(1) Contents of the air carrier operating certificate and the operations manual,

(2) Characteristics of the aircraft operated by the air carrier,

(3) Cruise control data and cruising speeds for such aircraft,

(4) Maximum authorized loads for the aircraft for the routes and airports to be used,

(5) Air carrier radio facilities,

(6) Characteristics and limitations of each radio and navigational facility to be used,

(7) Effect of weather conditions on aircraft radio reception,

(8) Airports to be used and the general terrain over which the aircraft are to be flown,

(9) Prevailing weather phenomena,

(10) Sources of weather information available, and

(11) Pertinent air traffic control procedures.

§ 40.125 *Recurrent training.* (a) At least once each year each crew member and aircraft dispatcher shall accomplish the refresher training specified in this section. Each flight test and practical examination shall be conducted by a check airman holding an airman certificate and ratings appropriate to the type of check being conducted and meeting the appropriate recent experience and route qualification requirements. The check airman and the instructor in charge of ground training shall certify as to the proficiency of the qualifying individual, and such certification shall become a part of the individual's airman records.

(b) Each crew member shall undergo a refresher ground training course to insure his continued competence and to insure that he possesses complete knowledge and familiarity with all new equipment and procedures used by the air carrier.

(c) Each pilot shall accomplish satisfactorily the flight test prescribed in § 40.123.

(d) Each aircraft dispatcher shall accomplish satisfactorily the practical examination prescribed by the air carrier in its operations manual for initial determination of competence. This examination shall cover all new equipment and procedures not included in previous examinations.

(e) All other crew members shall accomplish satisfactorily the flight test prescribed by the air carrier in its operations manual for initial determination of competence.

AIRMAN QUALIFICATION

§ 40.131 *Airman qualification; general.* (a) No air carrier shall utilize any airman, nor shall any airman perform the duties authorized by his airman certificate, unless he meets the appropriate requirements of §§ 40.126, 40.132 through 40.138, and the recent experience requirements specified in the appropriate airman certification parts. All pilots shall hold appropriate airline transport pilot certificates and ratings.

(b) Each air carrier shall provide a sufficient number of check airmen to determine the competence of the airmen to serve as such.

(c) The check airman shall certify as to the proficiency of the individual being examined, and such certification shall become a part of the individual's airman records.

§ 40.132 *Pilot recent experience; aircraft.* No air carrier shall schedule a pilot to serve as such in scheduled passenger air transportation unless within the preceding 3 months he has made at least 3 take-offs and 3 landings in the aircraft of the particular type on which he is to serve. If he is scheduled to serve in such transportation at night, at least one of the 3 take-offs and one of the 3 landings shall have been made at night.

§ 40.133 *Pilot line and equipment check.* (a) Prior to serving as pilot in command, or as second in command in a crew consisting of three or more pilots, and at least once each 12 months thereafter, a pilot shall take a line and equipment check in the type of aircraft normally to be flown by him. This check shall be given by a check pilot who is qualified for the route, and shall at least consist of the following:

(1) A flight in scheduled air transportation, of not less than 3 hours including at least 3 landings and 3 take-offs, or

(2) A flight in scheduled air transportation of not less than 4 hours including at least 2 landings and 2 take-offs, or

(3) A flight in scheduled air transportation of not less than 5 hours, including at least one take-off and one landing.

(b) In addition to complying with the provisions of § 40.131 (c), the check pilot shall certify as to the pilot's qualifications with respect to the type of aircraft flown and the procedures and techniques used en route.

§ 40.134. *Pilot instrument check.* (a) Prior to serving as pilot in command or as second in command in a crew of three or more pilots, and at least twice each year at intervals of not less than 5 months nor more than 7 months, a pilot shall satisfactorily demonstrate to a check pilot his ability to pilot and navigate by instruments. This check shall include an instrument approach for each type of radio approach facility authorized for the air carrier on the route to be flown by the pilot.

(b) Where the air carrier is authorized to conduct passenger-carrying operations under IFR, instrument checks shall be taken in aircraft of a type which the air carrier is authorized to use in such passenger operations, except that one of the semiannual checks required in paragraph (a) of this section may be taken in a synthetic trainer which contains all the radio equipment and instruments necessary to simulate the navigation and letdown procedures approved for use by the air carrier.

(c) Where the air carrier is not authorized to conduct passenger-carrying operations under IFR, instrument checks may be given in any type of aircraft regularly used by the air carrier in scheduled operations, except that one of the semiannual checks required in paragraph (a) of this section may be taken in a synthetic trainer.

§ 40.135 *Pilot route and airport qualification requirements.* (a) The air carrier shall determine that, prior to serving over a route, each pilot in command and second in command of a crew of three or more pilots is qualified for the route.

(b) Each pilot shall take a written examination covering subjects listed below with respect to each route to be flown. Those portions of the examination pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains all the radio equipment and instruments necessary to simulate the navigation and let-down procedures approved for use by the air carrier.

(1) Weather characteristics,

(2) Navigational facilities,

(3) Communication procedures,

(4) Type of en route terrain and obstructional hazards,

(5) Minimum safe flight levels,

(6) Position reporting points,

(7) Holding procedures,

(8) Pertinent traffic control procedures, and

(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, refueling, and alternate airport approved for the route.

(c) Each pilot shall fly through the let-down procedure authorizing the lowest minimums for each regular, provisional, and refueling airport for the trip to which the pilot is to be assigned to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. Unless impracticable, such flights shall be conducted under day VFR. Except in the case of newly authorized airports the qualifying pilot shall be accompanied by an authorized check pilot who is qualified over the route.

(d) Where a passenger-carrying operation is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall, within the preceding 12-month period, be familiarized with such terrain by not less than one round trip as pilot over the route under day VFR conditions, and one round trip under night VFR conditions.

§ 40.136 *Maintenance of pilot route and airport qualifications for particular trips.* To maintain pilot route and airport qualifications for a particular trip, each pilot being utilized as pilot in command or as second in command in a crew of three or more pilots shall have made, within the preceding 12-month period, at least one entry into each regular, provisional, and refueling airport authorized for use on such a trip, and shall comply with the provisions of § 40.135 (d) if applicable.

§ 40.137 *Competence check; other pilots.* Prior to serving as pilot, and at least twice each year thereafter at intervals of not less than 5 months nor more than 7 months, each pilot not being utilized as pilot in command or as second in command in a crew of 3 or more pilots shall demonstrate that he is capable of flying by instruments. The instrument check may be given by a pilot serving as pilot in command or a check pilot of the air carrier.

§ 40.138 *Aircraft dispatcher; qualifications for duty.* (a) Prior to dispatching aircraft over any route or route segment, an aircraft dispatcher shall be familiar and the air carrier shall determine that he is familiar with all pertinent operating procedures for the entire route and with the aircraft to be used.

(b) An aircraft dispatcher shall not dispatch aircraft in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an aircraft. The trip selected for qualification purposes shall be one which includes entry into all terminals and into as many intermediate points as possible, but it shall not be necessary for the aircraft dispatcher to make a flight over each route in that area.

FLIGHT TIME LIMITATIONS

§ 40.140 *Flight time limitations.* It shall be the responsibility of the air carrier and the airmen to comply with the flight time limitations set forth in §§ 40.141 through 40.143.

§ 40.141 *General requirements for all flight crew members.* (a) No airman shall be scheduled to serve in air transportation or in other commercial flying while employed by the air carrier if his total flight time in air transportation and in other commercial flying will exceed the flight time limitations specified in this section.

(b) No airman shall be on duty aloft for more than 1,000 hours in any calendar year.

(c) Notwithstanding any other provision in this section, 85 hours of flying shall constitute the monthly maximum for a pilot engaged in interstate air transportation within the continental limits of the United States not including Alaska.*

(d) Deadhead transportation shall not be considered a part of any required rest period or as duty aloft, except as provided in this paragraph. Such transportation shall not exceed 3 hours when it immediately precedes a flight deck duty assignment. Where the duration of such transportation exceeds 3 hours, the entire period of such transportation shall be considered as duty aloft.

(e) Each airman engaged in interstate air transportation shall be relieved from all duty with the air carrier for at least one calendar day during any seven consecutive calendar days.

(f) No airman shall be assigned any duty with an air carrier during any prescribed rest period.

(g) A pilot assigned to a flight crew consisting of one or two pilots who is subsequently assigned to a flight crew consisting of three or more airmen, or vice versa, shall not be on duty aloft more than 100 hours during the month in which such reassignment is effected.

(h) An airman shall not be considered to be scheduled for duty in excess of prescribed daily limitations, if the flight to which he is assigned is normally scheduled to terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, is not at the time of departure expected to reach its destination within the scheduled time.

§ 40.142 *Flight crew of only one or two pilots.* Where the crew consists of one or two pilots and no additional flight crew member, the following limitations shall apply:

(a) A pilot may be scheduled for duty on the flight deck for 8 hours or less during any 24 consecutive hours without a rest period during the 8 hours. A pilot may be scheduled for duty on the flight deck for not more than 12 hours during any 24 consecutive hours if he is given an intervening rest period at or before termination of 8 scheduled hours of flight deck duty. The rest period shall equal twice the number of hours aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours. The Administrator may authorize the air carrier and the pilots to exceed the limitations specified in this paragraph where he finds that such authorization will permit flights on a particular route to be scheduled to provide more healthful or advantageous rest periods for the pilots than would result from a literal application of this paragraph.

(b) When a pilot has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 18 hours for rest before being assigned any further duty with the air carrier.

(c) A pilot shall not be on duty aloft more than 100 hours in any month.

§ 40.143 *Flight crew of 3 or more airmen.* Where the flight crew consists of three or more flight crew members required by the Civil Air Regulations, the airworthiness certificate, and/or the operations specifications, or in any case where the flight crew consists of three or more pilots, the following rules shall apply: *Provided,* That nothing in this section shall be construed as limiting the responsibility of the pilot in command for the entire flight.

(a) No flight crew member shall be scheduled for duty on the flight deck for more than 8 hours in any 24 consecutive hours unless he meets the following requirements, in which case he may be scheduled for duty on the flight deck for a period not to exceed 12 hours in any 24 consecutive hours:

(1) He is given an intervening rest period at or before the termination of 8 scheduled hours of flight deck duty as prescribed in § 40.142 (a); or

(2) He is serving on a nonstop flight having a duration of more than 8 hours but not more than 12 hours; or

(3) He is serving in operations conducted outside the continental limits of the United States.

(b) A flight crew member who has been absent from his base on a flight or series of flights for 48 consecutive hours or less and has been on flight deck duty in excess of 8 hours during any 24 consecutive hours shall, upon return to his base, be given at least 18 hours of rest before being assigned any further duty with an air carrier.

(c) A flight crew member who has been absent from his base on a flight or series of flights for more than 48 consecutive hours shall, upon return to his base, be given a rest period of not less than twice the total hours of duty aloft since the last period of rest at his base. When the rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before such crew member is again scheduled for flight duty.

(d) Flight hours shall be scheduled in such a manner as to provide adequate rest periods on the ground, and adequate quarters shall be available on the ground while the flight crew members are away

* This provision is required by Section 401 (1) of the Civil Aeronautics Act of 1938, as amended.

from their base. Adequate sleeping quarters shall be available on the aircraft for each crew member for the period for which he is not on duty on the flight deck, if he is scheduled for duty aloft more than 12 hours.

(e) No flight crew member shall be on duty aloft more than 350 hours in any 3 consecutive months.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 40.144 *Aircraft dispatcher daily duty limitations.* (a) The daily duty period for aircraft dispatchers shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) No aircraft dispatcher shall be scheduled for duty for more than 10 consecutive hours in any 24 consecutive hours except in emergency conditions beyond the control of the air carrier, unless the aircraft dispatcher is given a rest period of not less than 8 hours at or before the termination of 10 hours of duty.

(c) Each aircraft dispatcher engaged in air transportation shall be relieved from all duty with the air carrier for at least one calendar day during any seven consecutive calendar days.

FLIGHT OPERATIONS

§ 40.150 *General.* All scheduled passenger flight operations shall be conducted in accordance with the requirements set forth in §§ 40.151 through 40.196.

§ 40.151 *Operational control.* The air carrier shall be responsible for operational control.

§ 40.152 *Responsibility of pilot in command.* The pilot in command shall, at all times during flight, be in command of the aircraft and shall be responsible for the safety of the passengers, crew members, cargo, and aircraft and for the conduct of the crew members. (See also § 40.172 for responsibility to be exercised jointly with the aircraft dispatcher.)

§ 40.153 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in operating procedures, including changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all hazards to flight, including icing and other unusual meteorological conditions and irregularities of ground and navigational facilities.

§ 40.154 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of aircraft with fuel and oil at intermediate stops and shall consider the prevailing winds along the particular route and the cruising speed of the type of aircraft to be flown which shall not exceed the specified cruising output of the aircraft engines. For scheduling purposes the flight time between two points shall be used.

§ 40.155 *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots shall remain at the controls at all times when the aircraft is taking off, landing, and while en route, except when the absence of one pilot is necessary in connection with his regular pilot duties. At least one pilot shall keep his seat belt fastened at all times.

§ 40.156 *Manipulation of controls.* (a) No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight: *Provided*, That any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(1) Authorized pilot safety representatives of the Administrator or the Board who are engaged in checking flight operations, and

(2) Properly qualified pilot personnel of another air carrier, if the pilot in command remains at one set of controls.

§ 40.157 *Admission to flight deck.* For purposes of this section the Administrator shall determine what constitutes the flight deck of an aircraft.

(a) In addition to the flight crew members assigned to the particular aircraft, CAA aviation safety agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck of an aircraft.

(b) The persons listed below may, under the conditions specified, be admitted to the flight deck when authorized by the pilot in command.

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations,[1]

(2) Airmen holding appropriate airman certificates issued by the Administrator, and

(3) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons upon the flight deck shall occupy seats securely attached to the structure of the aircraft and equipped with safety belts which must be kept fastened at all times.

(d) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA aviation safety agents or duly authorized representatives of the Civil Aeronautics Board engaged in checking flight operations,

(2) Certificated airmen of the air carrier,

(3) Certificated airmen of another air carrier who have been authorized by the air carrier concerned and the Administrator to make specific trips over the route.

§ 40.158 *Unlocking companionway doors during take-off and landing.* All companionway doors capable of being locked which separate the passenger compartment and forward area of the aircraft and those which are located in such forward area shall be unlocked during all take-offs and landings. The air carrier shall specify in the operations manual the crew member or crew members responsible for ascertaining that such doors are unlocked.

§ 40.159 *Use of cockpit check system.* The cockpit check system shall be used by the flight crew for all indicated procedures.

§ 40.160 *Restriction or suspension of operation.* When conditions exist which constitute or might constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 40.161 *Emergency decisions; pilot in command and aircraft dispatcher.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers reasonably necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and Civil Air Regulations.

(b) When emergency authority is exercised by the pilot in command, he shall keep the appropriate control station fully informed regarding the progress of the flight, and he shall, within 7 days after the completion of the particular flight, submit a written report of any deviation to the Administrator through the air carrier operations manager.

(c) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall notify and advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record.

§ 40.162 *Reporting unusual weather conditions.* When icing or other unusual meteorological conditions or irregularities of ground or navigational facilities are encountered in flight, the pilot in command shall notify the appropriate air carrier ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to all flights which might be affected.

[1] Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions in the pilot compartment may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (3) of this paragraph.

§ 40.163 *Off-route operations.* An air carrier may authorize the pilot in command of an aircraft which has made a precautionary landing in the interest of safety at an airport not included in the authorized route to proceed to a regular airport on its route, if the air carrier determines that the flight can be made with safety.

§ 40.164 *Powerplant failure or precautionary stoppage.* (a) In all cases when one engine of an aircraft fails or where the rotation of an engine of an aircraft is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected, except that the pilot in command of an aircraft having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection, if, upon consideration of the following factors, he determines such action to be as safe a course of action:

(1) The nature of the malfunctioning and the possible mechanical difficulties that may be encountered if flight is continued,

(2) The altitude, aircraft weight, and usable fuel at the time of engine stoppage,

(3) The weather conditions en route and at possible landing points,

(4) The air traffic congestion,

(5) The type of terrain, and

(6) The familiarity of the pilot with the airport to be used.

(b) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper control station and shall keep such station fully informed regarding the progress of the flight.

(c) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest (in point of time) was as safe a course of action. The operations manager shall, within 7 days after completion of the trip, furnish a copy of such report and comments thereon to the Administrator.

§ 40.165 *Letting-down-through procedures.* Where an air carrier is authorized to make an instrument letdown to an airport, the standard instrument approach procedure prescribed by the Administrator for that airport shall be used. The letting-down-through methods, procedures, and weather minimums specified by the Administrator shall be strictly adhered to.

§ 40.166 *Flight crew compliance with established procedures.* Each flight crew member shall perform the functions and follow the procedures specified for him by the air carrier in the operations manual.

§ 40.167 *Weight and center of gravity limitations.* The center of gravity of an aircraft shall not exceed the limits prescribed for the aircraft, and the gross weight shall not exceed that allowed by the appropriate aircraft operating limitations.

§ 40.168 *Requirements for air carrier equipment interchange.* (a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the Administrator shall determine that the procedures proposed by the carriers involved for the conduct of such operations conform with the provisions of the Civil Air Regulations, and with safe operating practices. The pertinent provisions and procedures affecting the carriers involved shall be specified in the appropriate operations or maintenance manuals, and shall not be changed without written approval of the Administrator. Prior to approval of the operating procedures, the Administrator shall insure that:

(1) All operations personnel involved are familiar with the aircraft, its equipment, and the communications and dispatching procedures of the air carrier with whom interchange is to be effected;

(2) All maintenance personnel involved are familiar with the aircraft, its equipment, and maintenance procedures of the air carrier with whom interchange is to be effected;

(3) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications of the air carrier with whom interchange is to be effected; and

(4) All aircraft operated are essentially similar to those aircraft of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement, and the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

DISPATCHING RULES

§ 40.170 *General.* Aircraft carrying passengers in scheduled passenger air transportation shall be dispatched only by a qualified aircraft dispatcher from an approved dispatch center in accordance with the provisions of this part.

§ 40.171 *Necessity for dispatching authority.* No flight shall be started without specific authority from an aircraft dispatcher except:

(a) Where an aircraft engaging in short distance operations has landed at an intermediate airport specified in the original dispatch release and has remained there for one hour or less; or

(b) Where an aircraft engaging in long distance operations is delayed at an intermediate airport specified in the flight release for six hours or less.

§ 40.172 *Joint responsibility of aircraft dispatcher and pilot in command.* (a) The aircraft dispatcher and the pilot in command shall be jointly responsible

(1) For the preparation and issuance of the dispatch release and for the operation of the flight in compliance with the applicable Civil Air Regulations and the operations manual; and

(2) For compliance with the fuel requirements set forth in these regulations for each particular flight.

(b) An aircraft dispatcher shall be responsible

(1) For monitoring the progress of each flight and the issuance of all instructions and information necessary for the continued safety of the flight, and

(2) For the cancellation, delay, or redispatch of a flight if, in his opinion or the pilot in command's opinion, the flight cannot operate or continue to operate safely.

§ 40.173 *Aircraft dispatcher; weather analysis.* No aircraft dispatcher shall clear a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route of intended dispatch.

§ 40.174 *Aircraft equipment required for dispatch.* All aircraft dispatched shall be equipped in accordance with the provisions of §§ 40.70 through 40.93 for the particular type of operation to be conducted and shall be in serviceable condition.

§ 40.175 *Communications and navigational facilities required for dispatch.* No aircraft shall be dispatched over any regular or alternate route or route segment unless the communications and navigational facilities required by §§ 40.19 and 40.21 are in satisfactory operating condition.

§ 40.176 *Dispatching under VFR, short distance operation.* In short distance operations under VFR aircraft shall be dispatched only if appropriate weather reports and forecasts show a trend indicating that the ceiling and visibility along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the next airport of intended landing specified in the flight release.

§ 40.177 *Dispatching under IFR or over-the-top, short distance operation.* In short distance operations under IFR, including over-the-top, aircraft shall be dispatched only if the appropriate weather reports and forecasts pertaining to the next airport of intended landing and any alternates therefor specified in the flight release show a trend indicating that the ceiling and visibility will be at or above the minimums prescribed by the Administrator at the estimated time of arrival thereat.

§ 40.178 *Dispatching, long distance operation.* In long distance operations aircraft shall be dispatched only if:

(a) The appropriate weather forecasts indicate that the ceiling and visibility either at the next airport of intended landing or at any required alternate therefor specified in the flight release will be at or above the minimums prescribed by the Administrator at the time the flight is estimated to arrive; and

(b) In the case of flights where the airport of intended landing has no available alternate airport, the current weather forecasts shall indicate that the ceiling and visibility either at the airport of departure, or at any authorized alternate therefor, will be at or above the minimums prescribed by the Administrator at the time of arrival back to such airport of departure or alternate air-

port, should the aircraft be required to return thereto prior to its reaching the point-of-no-return.

§ 40.179 *Operation in icing conditions.* (a) An aircraft shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are or may be encountered which might adversely affect the safety of the flight.

(b) No aircraft shall take off when frost, snow, or ice is adhering to the wings or control surfaces of the aircraft.

§ 40.180 *Alternate airport for take-off.* (a) If the weather conditions at the airport of take-off are below the approved landing minimums for that airport, no aircraft shall be dispatched from that airport unless an alternate airport located as follows is specified: *Provided*, That such alternate need not be selected if the ceiling at the take-off airport is at least 300 feet and the visibility at least one mile:

(1) Aircraft having 2 or 3 engines—alternate airport located within one hour of flight time from the airport of take-off computed on the basis of one engine inoperative and no wind.

(2) Aircraft having 4 or more engines—alternate airport located within 2 hours of flight time from the airport of take-off computed on the basis of one engine inoperative and no wind.

(b) The alternate airport weather requirements shall be those specified in § 40.193.

(c) All alternate airports shall be listed in the dispatch release.

§ 40.181 *Alternate airport for destination airport; IFR operations.* (a) For all IFR operations there shall be at least one alternate airport for each airport of destination, except that at least two alternate airports shall be selected where the ceiling and visibility of the airport of intended landing at the time of dispatch is below the weather minimums prescribed by the Administrator for its use as a regular airport. Where there is no alternate airport for the airport of destination, see § 40.178 (b).

(b) All alternate airports shall be listed in the dispatch release.

§ 40.182 *Continuance of flight; flight hazards.* (a) No aircraft shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command and/or the aircraft dispatcher, the flight cannot be completed with safety, unless, in the opinion of either, there is no safer procedure. In the latter event, continuation of the flight shall constitute an emergency.

(b) If any piece of equipment required for the particular operation being conducted becomes unserviceable in flight, the pilot in command shall comply with the procedures specified in the operations manual for such occurrence.

§ 40.183 *Redispatch and continuance of flight.* (a) The regular airport to which a flight has been originally dispatched may be changed en route to another regular airport if it lies within the fuel range of the aircraft as specified in §§ 40.186 and 40.187, meets the requirements for weather minimums, and can comply with the requirements for alternate airports.

(b) For short distance operations no flight shall be continued to any airport to which it has been dispatched unless the weather conditions at the alternate airport specified in the flight release remain at or above the minimums specified for such airport when used as an alternate: *Provided*, That the flight release may be amended en route to include any approved alternate airport lying within the fuel range of the aircraft as specified in §§ 40.186 and 40.187.

(c) When the flight release is amended while the aircraft is en route, such amendment shall be made a matter of record.

§ 40.184 *Dispatch to and from provisional airport.* (a) No aircraft dispatcher shall dispatch an aircraft to a provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports and weather conditions at such provisional airport are equal to or better than the weather minimums specified for that airport, and

(1) Weather conditions at the regular airport or intermediate stop are below the weather minimums authorized for such airport or are forecast to be below such minimums at the anticipated time of arrival at such regular airport, or

(2) Traffic at the regular airport of intended landing is congested due to weather conditions to such an extent that it is considered advisable for safety reasons to dispatch the flight to the provisional airport, or

(3) Other conditions at the regular airport make its use temporarily unsafe.

(b) Dispatch from a provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 40.185 *Take-offs from unauthorized airports.* No aircraft shall take off from an airport which is not listed in the air carrier operating certificate, but which has been entered as the result of an emergency, unless such airport and related facilities are adequate for the operation of the aircraft and in taking off it is possible to comply with the applicable aircraft operating limitations and the weather conditions at that airport are one of the following:

(a) If the airport is listed in the flight information manual—equal to or better than those prescribed for such airport;

(b) If the airport is located outside the continental limits of the United States and is not listed in the flight information manual but is authorized for use by a United States scheduled air carrier—same weather minimums as authorized for such air carrier, except in no case shall it be lower than 300 feet and 1 mile;

(c) For all other ariports—equal or better than ceiling 800 feet and visibility 2 miles, or ceiling 900 feet and visibility 1½ miles, or ceiling 1,000 feet and visibility 1 mile.

§ 40.186 *Fuel supply for all operations.* (a) Where each airport on a route has an available alternate, no aircraft shall be dispatched or take off unless it carries sufficient fuel

(1) To fly to the airport to which dispatched, and thereafter

(2) To fly to and land at the most distant alternate airport designated in the flight release where such alternate airport is required, and thereafter

(3) To fly for a period of at least 45 minutes plus 15 percent of the total time required to fly at normal cruising consumption to the airports specified in subparagraphs (1) and (2) of this paragraph.

(b) Where a route is approved without an available alternate airport for a particular airport, aircraft dispatched to that airport shall carry sufficient fuel to fly to that airport and thereafter to fly for at least 3 hours at normal cruising consumption.

§ 40.187 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the aircraft. The required fuel shall be deemed to be the usable fuel as specified in Part 4b of this chapter.

§ 40.190 *Weather minimums; general.* The Administrator, taking into consideration the factors listed below and standards prescribed in this part, shall establish ceiling and visibility minimums for each air carrier for purposes of flight clearance and for transition from instrument to visual flight and vice versa:

(a) Terrain conditions affecting the flight area necessary for the execution of approach, letting-down-through, and missed approach procedures,

(b) Navigation, approach, and landing facilities available,

(c) Skill and experience of pilot personnel,

(d) Type and maneuverability of the aircraft,

(e) Obstructions to flight, considered both vertically and horizontally, located in the vicinity of the landing area, and

(f) Quality and quantity of meteorological service available.

§ 40.191 *Take-off and landing weather minimums; VFR.* Irrespective of any airways clearance which may be obtained from air traffic control, no aircraft shall take off or land under VFR when the ceiling and visibility are less than specified below: *Provided*, That where local smoke, dust, haze, or blowing snow or sand exist, the visibility for both day and night operations may be reduced to one-half mile:

(a) For day operations: 1,000 feet and one mile;

(b) For night operations: 1,000 feet and two miles.

§ 40.192 *Take-off and landing weather minimums; IFR.* (a) No aircraft shall take off or land under IFR when either the ceiling or visibility is less than that prescribed by the Administrator.

(b) No instrument approach procedure shall be executed or landing made

at any airport unless the weather report furnished by a source authorized in accordance with the provisions of § 40.20 indicates the ceiling or visibility to be equal to or higher than the prescribed minimums for landing at that airport.

§ 40.193 *Alternate airport weather requirements.* An airport shall not be selected as an alternate airport unless the weather conditions existing thereat at the time of dispatch are equal to or above the ceiling and visibility minimums specified for such airport when using it as an alternate, and the hourly weather report and current forecasts show a trend indicating that such weather conditions will continue to improve at such alternate airport until the flight shall arrive thereat. The weather minimums at such alternate airport shall not be less than one of the following and in no event less than the corresponding minimums specified for the airport when used as a regular airport: *Provided,* That the Administrator may establish higher or lower minimums at particular airports where the safe conduct of the flight requires or permits, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other conditions affecting flight.

(a) Airport served by an approved radio range or approved radio beacon, and either an approved instrument landing system or an approved ground control approach system for which the carrier has been approved—ceiling 800 feet, visibility 1 mile; or ceiling 700 feet, visibility 1½ miles; or ceiling 600 feet, visibility 2 miles;

(b) Airport served by an approved radio range or approved radio beacon—ceiling 1,000 feet, visibility 1 mile; or ceiling 900 feet, visibility 1½ miles; or ceiling 800 feet, visibility 2 miles;

(c) Airport not served by an approved radio approach facility—ceiling 1,000 feet with broken clouds or better, visibility 2 miles.

§ 40.195 *Preparation of dispatch release.* (a) A dispatch release shall be prepared for each flight between specified clearance points from information furnished by the authorized aircraft dispatcher. This form shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 40.196 *Preparation of load manifest form.* Prior to each take-off a load manifest form shall be prepared by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms or by qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 40.200 *Records; general.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 40.201 through 40.212. All records shall be retained for the period specified in Part 249 of the Economic Regulations of the Board, unless otherwise specified herein.

§ 40.201 *Airman records.* Each air carrier shall maintain at its major division offices current records of every airman utilized as a member of a flight crew or as an aircraft dispatcher under the jurisdiction of such offices. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate requirements of the Civil Air Regulations, e. g., proficiency and route checks, aircraft qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 40.202 *Passenger records.* Each air carrier shall keep available the names and addresses of passengers carried, together with their points of departure and destination, until the termination of each flight. These records shall be retained by the air carrier for at least 3 months.

§ 40.203 *Dispatch release form.* (a) The dispatch release may be in any form and shall contain at least the following information with respect to each flight:

(1) Identification number of the aircraft to be used, or the trip number,

(2) Crew complement,

(3) Route to be followed,

(4) Airport of departure, intermediate stops, and destination, and alternates therefor,

(5) Fuel supply,

(6) Type of operation, i. e., IFR, VFR, day, night, and

(7) Flight plan.

(b) The dispatch release shall contain or have attached thereto weather reports and weather forecasts for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the aircraft departs from the blocks. It shall include such additional weather reports and forecasts considered necessary or desirable by the pilot in command and aircraft dispatcher. The reports shall be sufficient to indicate to the pilot in command the various types of weather which he might encounter en route.

(c) The dispatcher or duly authorized station personnel shall attach to, or enter on, the dispatch release all current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the flight and communications. He shall also inform the pilot, during flight, of any additional irregularities, and the flight shall be controlled accordingly.

§ 40.204 *Load manifest form.* (a) The load manifest may be in any form and shall contain at least the following information with respect to the loading of an aircraft at the time of take-off:

(1) The weight and relative distribution of

(i) Fuel and oil carried,

(ii) Cargo, including mail and baggage, and

(iii) Passengers and crew;

(2) The maximum allowable gross weight of the aircraft and the maximum allowable gross weight applicable for the particular flight;

(3) The actual total load weight; and

(4) The relationship of the actual center of gravity to the allowable fore and aft range of travel.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms, or by qualified persons authorized by the air carrier.

§ 40.205 *Disposition of load manifest and dispatch release forms.* The original copies of the completed load manifest and the dispatch release forms shall be delivered to the pilot in command. Duplicate copies shall be kept in the station files for at least 60 days.

§ 40.206 *Maintenance records.* Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, the time since last inspection, and mechanical failures of all aircraft components, engines, propellers, and, where practicable, appliances except that, where otherwise determined by the Administrator, a new record may be used in the case of a propeller for which there is no previous operating history, if the hub is rebuilt and is fitted with blades which are free from defects and within the manufacturer's production tolerances. Such rebuilding of the propeller shall be accomplished by the manufacturer or by a certificated repair station having the proper rating. The new record shall be signed by the manufacturer or by the repair agency, giving the date the propeller hub or blade was rebuilt and such other information as the Administrator may require.

§ 40.207 *Daily mechanical reports.* (a) Each air carrier shall submit a report daily to the Administrator which shall include all malfunctions and difficulties occurring during operation or discovered during inspection which cause or may be expected to cause an unsafe condition in any aircraft, aircraft engine, propeller, or appliance. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock noon of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as possible on the first daily report following such incidents:

(1) Type and CAA identification number of the aircraft, name of air carrier, and date;

(2) Emergency procedure effected, unscheduled landing, dumping fuel, etc.;

(3) Nature of condition: fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component, e. g., P&W R-2800-34;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc;

(6) Disposition: repaired, replaced, aircraft grounded, etc;

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in subparagraphs (a) (1) through (7). When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 40.208 *Monthly mechanical report of chronic mechanical difficulties.* Each air carrier shall submit data concerning mechanical difficulties or flight interruptions occurring during operation which may be considered chronic (i. e. occurring with such frequency as to exceed by an appreciable amount that which is considered normally expected). Such data shall be submitted in the form and at such times as prescribed by the Administrator, and shall contain as much of the following information as is pertinent and available:

(a) Type of aircraft affected;

(b) Identification of part, component, or appliance involved, including manufacturer, type, serial number where pertinent, and number of components, etc., per aircraft;

(c) Symptoms or effect of the mechanical difficulty;

(d) All interim and final corrective action taken; and

(e) Rate of occurrence (number of occurrences per 1,000 hours of operation).

§ 40.209 *Records for rebuilt aircraft engines, propellers, and appliances.* (a) Total time in service records may be returned to zero service time for those aircraft engines, propellers, and appliances for which complete records are not available: *Provided*, That such aircraft engines, propellers, or appliances have been rebuilt by the manufacturer or an agency approved by the manufacturer. A rebuilt aircraft engine, propeller, or appliance is one which has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerances and limits as a new unit. Component parts of the unit or new units may be used. The used parts may be from the same unit or from other identical type units, but they shall conform to production drawing tolerances and limits to which new parts are required to conform. In addition, all parts, either new or used, meeting approved oversize and undersize dimensions acceptable for new units, are also eligible.

(b) The new record of a rebuilt aircraft engine, propeller, or appliance shall contain at least the following data:

(1) Identification of the unit as to type, model, and where applicable the serial number;

(2) Date of rebuilding;

(3) Any mandatory changes required by airworthiness directives;

(4) Any changes made as a result of manufacturer's service bulletins where such recording is requested specifically in the bulletin;

(5) Signature of the manufacturer or agency approved by the manufacturer attesting to compliance with this part.

(c) The records of rebuilt aircraft engines, propellers, or appliances shall be retained in the possession of the owner of the unit for the life of the unit.

§ 40.210 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, powerplants, propellers, and appliances of all scheduled air carrier aircraft shall be submitted promptly upon completion of such alterations or repairs to the Administrator through his representative having supervision of the operation involved.

§ 40.211 *Maintenance release form.* A maintenance release form certifying that the aircraft is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such aircraft by maintenance personnel for flight operation. The original copy of this form shall be given to the pilot in command, and a duplicate copy shall be kept in the station file for at least 60 days.

§ 40.212 *Maintenance logbook.* Reported or observed failures or malfunctions related to the airworthiness of airframes, powerplants, propellers, and appliances shall be investigated by the air carrier prior to dispatch of the aircraft. A legible record shall be made in the aircraft's maintenance logbook of the action taken in each case. Copies of such records covering at least the previous 50 hours of aircraft operation shall remain in the logbook in the aircraft in a place readily available to the flight crew.

[F. R. Doc. 50-8712; Filed, Oct. 4, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 447 AND SMALL TRACT CLASSIFICATION NO. 34

SEPTEMBER 27, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372) and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (56), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, of July 19, 1948 (43 CFR 50.451 (a) (56), (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described in the Anchorage, Alaska Land District, which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites;

ANCHORAGE AREA

T. 19 N., R. 4 W., Seward Meridian
Section 33: Lot 9, that portion which would be if described in terms of a normal subdivision: E½NE¼SW¼ Lot 10.

The area described contains approximately 32.20 acres.

The lands are located at Nancy Lake, along the Alaska Railroad, approximately 75 railroad miles from the city of Anchorage. Access to the area by road is presently unobtainable. The subject land which fronts on the lake is accessible by float plane and by boat. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate typical of the interior of Alaska. The winter is typically long and moderately cold and the summer is short and moderately warm.

This order shall not become effective to change the status of such lands or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on October 17, 1950. At that time the lands shall, subject to valid existing rights, become subject to application, petition, location or selection, as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10:00 a. m. on October 17, 1950, to close of business on January 15, 1951, inclusive to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications

by such veterans and persons claiming preference rights superior to those of such veterans filed on September 27, 1950, or thereafter, up to and including 10:00 a. m. on October 17, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 16, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on December 26, 1950, or thereafter, up to and including 10:00 a. m. on January 16, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for the land, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts varying in size from approximately 2 to 6.5 acres, in compact units, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8682; Filed, Oct. 4, 1950; 8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 448

SEPTEMBER 27, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56), (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shore space reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 43 U. S. C. 371) by the initation of claims under the public land laws:

SEWARD MERIDIAN

T. 18 N., R. 4 W.,
Section 3: SW¼SE¼
T. 19 N., R. 4 W.,
Sections 15, 16
Section 17: NW¼SW¼
Section 18: Lot 6, SE¼SW¼, SW¼NE¼, NE¼NW¼
Sections 19, 20, 21, 25, 26, 27
Section 28: Lot 2, E½SE¼
Sections 29, 30, 31, 32
Section 33: Lot 3, NW¼NW¼,
Section 34: Lots 1, 3, N½NW¼,NW¼NE¼, S½NE¼
Sections 35, 36
T. 20 N., R. 4 W.,
Sections 7 and 18
T. 20 N., R. 5 W.,
Section 12
T. 21 N., R. 4 W.,
Sections 1 and 12

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8683; Filed, Oct. 4, 1950; 8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 449

SEPTEMBER 28, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371) by the initiation of claims under the public land laws:

T. 19 N., R. 4 W., Seward Meridian
Section 7: Lots 3, 4, 7, S½NE¼
Section 8: Lots 1, 2, SW¼NW¼, E½SW¼
Section 17: Lots 1, 2, E½NW¼
Section 18: Lots 1, 4
Section 28: Lots 8, 9
Section 33: Lots 1, 2, 4, 5, 6, 7, NE¼NE¼
Section 34: Lots 2, 6

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8684; Filed, Oct. 4, 1950; 8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 450

SEPTEMBER 28, 1950.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands;

SEWARD MERIDIAN
T. 18 N., R. 4 W.,
Section 3: NE¼SE¼, Lots 7, 8, and 9,
T. 19 N., R. 4 W.,
Section 28: N½SW¼NW¼, Lots 1 and 3,
Section 34: NE¼SE¼, Lot 4.
Containing approximately 326.39 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on October 19, 1950, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 19, 1950, to January 16, 1951, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid

settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 28, 1950, to October 18, 1950, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 19, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 17, 1951, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 27, 1950, to January 16, 1951, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 17, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8685; Filed, Oct. 4, 1950; 8:45 a. m.]

No. 193——5

ALASKA

SMALL TRACT CLASSIFICATION NO. 32

SEPTEMBER 27, 1950.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, the following described lands in the Anchorage, Alaska, land district, embracing 40 acres, as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U .S. C. sec. 682 (a)), as amended, for home sites:

T. 12 N., R. 3 W., Seward Meridian, Section 33: NW¼NW¼.

The lands are located approximately ten miles southeast of Anchorage, and are served by good gravelled and secondary roads. Electric service is presently available to a portion of the area and it is contemplated that similar service will be made available to the whole area in the early future by extension of Rural Electrification Administration transmission lines. Adequate water supply for domestic use can be obtained from wells, and sewage disposal may be made by the use of cesspools or septic tanks. Churches, hospital, schools, and market facilities are available in Anchorage. The climate is a favorable combination of the temperate coastal climate of south-central Alaska and the extreme continental climate of interior Alaska. The winter is typically long and moderately cold, and the summer short and fairly warm.

This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on October 17, 1950. At that time the land shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10:00 a. m. on October 17, 1950, to close of business on January 15, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on September 27, 1950, or thereafter, up to and including 10:00 a. m. on October 17, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 16, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on December 26, 1950, or thereafter, up to and including 10:00 a. m. on January 16, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts of approximately 2½ acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification map on file in the Land Office, Anchorage,

Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8686; Filed, Oct. 4, 1950; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 33

SEPTEMBER 27, 1950

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, the following described lands in the Anchorage, Alaska, land district, embracing approximately 590 acres, as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682 (a)), as amended.

FOR LEASING AND SALE

FOR HOME AND BUSINESS SITES

T. 12 N., R. 3 W., Seward Meridian,
Section 33:
SW¼SW¼SW¼SE¼, SE¼
SE¼SE¼SW¼ East of Potter Road,
N½SE¼SE¼SW¼ East of Potter Road,
SE¼SE¼SE¼SW¼ West of Potter Road,
SW¼SE¼SE¼SW¼,
NW¼SE¼SE¼SW¼ West of Potter Road,
SW¼NE¼SE¼SW¼ East of Potter Road,
SE¼NW¼SE¼SW¼ East of Potter Road,
SE¼NW¼SE¼SW¼ West of Potter Road,
NE¼SW¼SE¼SW¼, SW¼NW¼SE¼SW¼,
NE¼SE¼NW¼SW¼,
SE¼SE¼NW¼SW¼ East of Potter Road,
NE¼NE¼SW¼SW¼, NW¼NE¼SW¼SW¼,
S½SE¼NW¼SW¼ West of Potter Road,
NW¼SE¼NW¼SW¼ East of Potter Road,
SW¼NE¼NW¼SW¼, NE¼NW¼NW¼SW¼,
SE¼NW¼NW¼SW¼ East of Potter Road,
NW¼NW¼NW¼SW¼ East of Potter Road,
SW¼SW¼SW¼NW¼,

FOR BUSINESS SITES

Section 33:
SE¼SE¼SW¼SW¼, SW¼SE¼SW¼SW¼,
SE¼SW¼SW¼SW¼ East of Alaska Railroad,
NW¼SE¼SW¼SW¼, NE¼SW¼NW¼SW¼,
NW¼SE¼NW¼SW¼ West of Potter Road,
S½SW¼NW¼SW¼ East of Alaska Railroad,
N½NW¼SW¼SW¼ East of Alaska Railroad,
SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼,
SW¼SW¼SW¼SW¼, NW¼SW¼SW¼SW¼,
W½NW¼SW¼SW¼, NW¼SW¼NW¼SW¼,
S½NW¼NW¼SW¼, West of Potter Road,
NW¼NW¼NW¼SW¼ West of Potter Road,

FOR HOME SITES

Section 33:
E½E½, W½NE¼, NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼,
N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, E½NW¼, N½NE¼SW¼,
SE¼NE¼SW¼, N½SW¼NE¼SW¼, N½NE¼SE¼SW¼,
SE¼NE¼SE¼SW¼, N½SW¼NW¼, SE¼SW¼NW¼, N½SW¼SW¼NW¼,
SE¼SW¼SW¼NW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼,
S½NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, NW¼SW¼SE¼SW¼,
S½SW¼SE¼SW¼

The lands are located approximately ten miles southeast of Anchorage, and are served by good gravelled and secondary roads. Electric service is presently available to a portion of the area and it is contemplated that similar service will be made available to the whole area in the early future by extension of Rural Electrification Administration transmission lines. Adequate water supply for domestic use can be obtained from wells, and sewage disposal may be made by the use of cesspools or septic tanks. Churches, hospital, schools, and market facilities are available in Anchorage. The climate is a favorable combination of the temperate coastal climate of south-central Alaska and the extreme continental climate of interior Alaska. The winter is typically long and moderately cold, and the summer short and fairly warm.

This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on October 17, 1950. At that time the land shall, subject to valid existing rights and to section 24 of the Federal Power Act, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10:00 a. m. on October 17, 1950, to close of business on January 15, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on September 27, 1950, or thereafter, up to and including 10:00 a. m. on October 17, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 16, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on December 26, 1950, or thereafter, up to and including 10:00 a. m. on January 16, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home sites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20.00 payable yearly in advance, the remainder, if any, to be paid within thirty days after each yearly anniversary of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts varying in size from approximately 0.3 to approximately 3.1 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The

tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification map on file in the land office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8687; Filed, Oct. 4, 1950; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 35

SEPTEMBER 27, 1950.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948, (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska, land district, embracing approximately 191.53 acres:

FOR LEASING AND SALE

FOR HOME AND CABIN SITES

T. 19 N., R. 4 W., Seward Meridian,
Section 29:
Lot 1, that portion which would be if described in terms of a normal subdivision S½NE¼NE¼,
Lot 2,
Lot 3,
Lot 7, that portion which would be if described in terms of a normal subdivision: E½SE¼NW¼, NW¼SE¼NW¼,
Lot 8,
Lot 9, that portion which would be if described in terms of a normal subdivision: N½NE¼SE¼,
Lot 10, that portion which would be if described in terms of a normal subdivision: N½NW¼SE¼, SW¼SW¼NE¼,
Section 33:
Lot 3, that portion which would be if described in terms of a normal subdivision: E½SW¼NW¼,
Section 34:
Lot 3, that portion which would be if described in terms of a normal subdivision: SW¼SE¼NW¼.

2. The lands are located in the Nancy Lake area, near the Alaska Railroad, approximately 75 railroad miles from the city of Anchorage. Access to the area by road is presently unobtainable. The subject land which fronts on the water is accessible by float plane and by boat. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate typical of the interior of Alaska. The winter is typically long and moderately cold and the summer is short and moderately warm.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on October 17, 1950. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on October 17, 1950, to close of business on January 15, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on September 27, 1950, or thereafter, up to and including 10:00 a. m. on October 17, 1950, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 16, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public, filed on December 26, 1950, or thereafter, up to and including 10:00 a. m. on January 16, 1951, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 1.2 acres to approximately 7 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-8688; Filed, Oct. 4, 1950; 8:46 a. m.]

[Order No. 17, Region V]

TOWN SITE OF CLAY SPRINGS, ARIZONA

SALE OF TOWN LOTS

SEPTEMBER 29, 1950.

1. *Statutory authority.* The lots in the town site of Clay Springs, Arizona, will be disposed of under sections 2382 to 2386, U. S. Revised Statutes (43 U. S. C. 713–717). The Regional Administrator is authorized to conduct the sale under § 2.78 of Order No. 427 of the Director of the Bureau of Land Management dated August 16, 1950 (15 F. R. 5639). The town site plat of Clay Springs was accepted October 11, 1939.

2. *Lots, areas, and minimum prices.* As shown on the town site plat, the lots which will be offered for sale are 54 in number, each of which is over 4,200 square feet, and are comprised of 16 blocks of four lots each except that in block 13 only lot number 2 will be offered for sale, block 14 is comprised of only lots number 1 and 2, block 15 of lot number 1, and block 16 of lot numbers 1 and 2. The appraised and minimum price of each lot is $16.00. The area of each lot is shown on the town site plat.

3. *Public sale.* The unreserved lots for which no preemption proof has been made as hereinafter provided, will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at the Post Office in Show Low, Arizona, on December 5, 1950, beginning at 10:00 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payment.* No lot will be sold for less than the appraised price. Full payment must be made in cash for those lots sold for not more than $50.00. Payment must be made on the date of sale. The lots which are sold for more than $50.00 and not more than $100.00 may be paid for in cash on the date of sale, or in two equal installments, the first installment to be paid on the date of sale, and the second installment within one year from the date of sale, with interest at the rate of four percent per annum to the date of payment.

Those lots which are sold for more than $100.00 may be paid for in cash on the date of sale, or one-third of the purchase price may be paid in cash at that time and the balance is not to exceed two equal annual installments, with interest at the rate of four percent per annum to the date of payment.

Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Land and Survey Office, Phoenix, Arizona.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Arizona.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Preemption claims.* Any person who has established settlement on any lot prior to the effective date of this Order, and has made substantial improvements on the lot, and has maintained such settlement, with the improvements, to the date of proof, is entitled to make a preemption entry at the minimum price for such lot and one other lot on which he has made substantial and permanent improvements. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequent to the submission of the proof, but patent, if issued, will be in the name of the settler and not of the transferee.

The notice of intention to make preemption proof must be made on Form 4–348, and should give the date of settlement and the value and character of the improvements. Claimants must file their notices of intention by October 13, 1950, in order that publication may be made and proof submitted prior to the date of the public sale.

On the filing by the applicant of the notice of intention to make proof, notice for publication will be issued by the Manager, which the applicant must have published at his own expense in the "Tribune-News," a weekly newspaper, published at Holbrook, Arizona, in five consecutive issues, prior to the date set for proof. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the Manager of the Land and Survey Office at Phoenix, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, citizenship, and his actual residence and substantial improvements upon one lot, and substantial improvements on a second lot where two lots are included in the application. Proof of publication must be shown by a statement of the publisher. The purchase price of the lot or lots must be paid to the Manager. Where the amount exceeds $50.00 the payment may be made in annual installments as provided in paragraph 4.

9. *Removal of improvements.* Owners of improvements who do not purchase the lots on which the improvements are located will be allowed six months from the date of the sale within which to remove their improvements.

10. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their appraised price, and may be purchased from the Manager, Land and Survey Office, Phoenix, Arizona.

11. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable source materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of right-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

FRANCIS L. MCFARREN,
Acting Regional Administrator.

[F. R. Doc. 50–8689; Filed, Oct. 4, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

ESTABLISHMENT AND FUNCTIONS

The material describing the establishment and functions of the National Production Authority appearing in 15 F. R. 6182 is amended to read as follows:

1. *Purpose.* The purpose of this notice is to establish the organization to carry out the functions assigned to the Secretary of Commerce by Executive Order 10161,[1] "Delegating Certain Functions of the President Under the Defense Production Act of 1950." It is issued pursuant to the authority vested in the Secretary by such order and by Reorganization Plan No. 5 of 1950.

2. *Establishment and functions of the National Production Authority.* There is hereby established in the Department of Commerce a National Production Authority which shall be headed by an Administrator appointed by the Secretary. The Administrator shall report and be responsible to the Secretary.

The Administrator of the National Production Authority shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by Executive Order 10161, except as provided in section 5 of this notice. These functions shall include but not be limited to: (1) Determination of the requirements for materials and commodities needed for defense, civilian, foreign, and all other purposes; and (2) formulation and execution of the policies and programs necessary for the fulfillment of such requirements.

In addition, the Administrator shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce under the Rubber Act of 1948, as amended (50 U. S. C. App. 1921) by Executive Order 9942 of April 1, 1948.

3. *Establishment and functions of the Advisory Committee on Priorities Administration.* There is hereby established an Advisory Committee on Priorities Administration consisting of the Administrator as Chairman and representatives from the following agencies and such other agencies as the Secretary

[1] 15 F. R. 6105.

may designate from time to time: (1) Department of Defense; (2) Department of the Interior; (3) Department of Agriculture; (4) Department of State; (5) Department of Labor; (6) Department of the Treasury; (7) Office of International Trade (Department of Commerce); (8) Economic Cooperation Administration; (9) Atomic Energy Commission; (10) Housing and Home Finance Agency; and (11) Interstate Commerce Commission (Bureau of Service).

The National Security Resources Board shall be invited to designate an observer to attend all meetings of the Advisory Committee on Priorities Administration.

The Advisory Committee on Priorities Administration shall serve in an advisory capacity with respect to policy and program matters affecting the interests of the represented agencies. More specifically, the Committee shall: (1) Consider all factors relevant to the determination of the direct and indirect military, civilian, and foreign requirements for essential and critical raw materials and industrial products; (2) recommend programs for the production and allocation of such materials and products; and (3) review proposed orders and regulations and perform such other functions as the Chairman may assign.

The Administrator, as Chairman, is authorized to: (1) Establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary; and (2) establish rules and regulations governing the procedures and operations of the Committee and its subgroups.

4. *Redelegation of authority.* The Administrator may delegate any power or authority conferred upon him by this notice to any officer of the National Production Authority, and he may authorize such redelegations by such officer as he may deem appropriate.

5. *Reservations of authorities.* The following authorities vested in the Secretary of Commerce by Executive Order 10161 are hereby reserved to the Secretary:

(1) The authority to create new agencies within the Department of Commerce pursuant to section 902 (b) (2) of Executive Order 10161;

(2) The authority to certify voluntary agreements or programs as being in the public interest, pursuant to the provisions of section 708 of the "Defense Production Act of 1950" and section 902 (c) of Executive Order 10161;

(3) The authority to guarantee loans pursuant to the provisions of sections 301 and 302 of Executive Order 10161 and to issue certifications for loans, purchases, and commitments by the Reconstruction Finance Corporation pursuant to section 303 of such order; and

(4) The authorities with respect to the use of transportation facilities.

All delegations of functions or authorities under Executive Order 10161 to other agencies of the Government and all agreements with such agencies involving the exercise of such authorities shall be issued by or with the approval of the Secretary.

6. *Relationships with the National Security Resources Board.* All relationships with the National Security Resources Board relating to program decisions and policies or inter-agency relationships shall be conducted by the Secretary of Commerce or pursuant to his general policies.

7. *Organizational adjustments.* The following industry divisions of the Office of Industry and Commerce of the Bureau of Foreign and Domestic Commerce, together with their personnel, are transferred to the National Production Authority: Iron and Steel; Metals and Minerals; Rubber; Textiles and Leather; Chemicals; Forest Products; Construction; Machinery and Equipment; General Products; Motion Pictures; Food; Petroleum; Fuels and Energy.

The Division of Small Business and the Marketing Division of the Office of Industry and Commerce are transferred to the National Production Authority, together with related personnel.

8. *Administrative and field services.* Pending further development of the organization and facilities of the National Production Authority and until otherwise directed, the central personnel, accounting, information and other administrative service facilities of the Office of the Secretary shall provide administrative and other services to the National Production Authority.

In addition, any necessary field services will be provided by the Department Field Service pending development of a sufficient volume of field work to justify separate field offices for the National Production Authority.

9. *Reemployment rights.* All permanent employees of the Office of Industry and Commerce who are transferred by the terms of this notice to the National Production Authority and who remain with that organization and perform satisfactory service shall be entitled to reemployment rights in an appropriate position of at least the same grade held on the effective date of this notice, when the transferred functions are returned to that Office. Other permanent employees of the Department who are transferred individually to the National Production Authority shall be entitled to reemployment rights under the same terms in the bureau or office from which transferred when their services are no longer needed in the National Production Authority.

10. *Internal organization.* The temporary internal organization of the National Production Authority shall consist of the following: (1) Administrator; (2) Deputy Administrator; (3) General Counsel; (4) Executive Officer; (5) Director of Public Information; (6) Office of Civilian Requirements; (7) Office of Labor Production; (8) Office of Manpower Requirements; (9) Office of Small Business; (10) Assistant Administrator for Program Determination; and (11) Assistant Administrator for Industry Operations.

11. *Status in the Department.* The National Production Authority shall operate as a primary organization unit of the Department of Commerce and shall be administered in conformance with established Departmental policies, regulations and procedures as set forth in the Department of Commerce "Manual of Orders".

12. *Records transfer.* All records remaining in the custody of the Department of Commerce relating to the War Production Board and its predecessor and successor agencies and transferred to the Department by Executive Order 9841 of April 23, 1947,[1] are transferred to the custody and use of the National Production Authority. Such records shall remain available for use in connection with the Department's liquidation functions.

(Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, Reorg. Plan No. 5 of 1950, 15 F. R. 3174)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-8779; Filed, Oct. 4, 1950; 9:29 a. m.]

[NPA Delegation 1]

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

Pursuant to the authority of the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) there is hereby delegated to the Secretary of Defense the authority to apply ratings to direct contracts and purchase orders of the Department of Defense in order to meet authorized procurement and construction programs of the Department of Defense or the Mutual Defense Assistance Program.

The Secretary of Defense is also authorized to assign the right to apply ratings:

1. To persons placing orders for materials to be delivered to or for the account of the Department of Defense to meet authorized programs; and

2. To certain prime or sub-contractors on orders for delivery of production equipment specifically required to support authorized procurement programs of the Department of Defense.

This authority may be redelegated by the Secretary of Defense to appropriate agencies of the Department of Defense or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, rating DO (2-digit program code) is assigned to the deliveries on this purchase order or contract." This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production

[1] 12 F. R. 2645.

Authority to the Department of Defense, and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the Zone of Interior; civilian type items for resale in Post Exchanges and Ship Stores; purchases from exclusively retail establishments, except in emergency situations and only for small amounts to prevent imminent stoppage; or procurement of any of the following items: Commercial office equipment and supplies; flags, bunting, flagstaffs, pennants, insignia and medals; vending machines; portable household fans; commercial type luggage; barber chairs; card tables; books, maps, and periodicals; brooms and mops for household use; and domestic type dishwashing machinery.

This directive shall take effect on October 3, 1950.

NATIONAL PRODUCTION AUTHORITY,
W. H. HARRISON,
Administrator.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-8777; Filed, Oct. 4, 1950; 9:25 a. m.]

[NPA Delegation 2]

DELEGATION OF AUTHORITY TO ATOMIC ENERGY COMMISSION

Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) there is hereby delegated to the Atomic Energy Commission the authority to apply ratings on direct contracts and purchase orders to meet authorized operation and construction programs of the Atomic Energy Commission.

The Atomic Energy Commission is also authorized to assign the right to apply ratings:

1. To persons placing orders for materials, except construction equipment, to be delivered to or for the account of the Atomic Energy Commission to meet authorized programs; and

2. To certain prime or sub-contractors on orders for delivery of construction equipment specifically required to support authorized construction programs of the Atomic Energy Commission where such equipment will be the property of the Atomic Energy Commission.

This authority may be redelegated by the Atomic Energy Commission to appropriate agencies of the Atomic Energy Commission or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Atomic Energy Commission and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, rating DO (2 digit program code) is assigned to the deliveries on this purchase order or contract." This certification shall be authenticated with the signature of an authorized official of the Atomic Energy Commission or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the Atomic Energy Commission, and to such conditions as may be imposed by the National Production Authority on use, records and reports.

This authority shall not be used to rate purchases from exclusively retail establishments, except in emergency situations and only for small amounts to prevent imminent stoppage; or procurement of commercial office equipment and supplies, and books, maps and periodicals.

This directive shall take effect on October 3, 1950.

NATIONAL PRODUCTION AUTHORITY,
W. H. HARRISON,
Administrator.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-8778; Filed, Oct. 4, 1950; 9:25 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4505]

EASTERN AIR LINES, INC.; MIAMI-SAN JUAN COACH FARE INVESTIGATION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the investigation to determine the lawfulness of air coach fares between Miami, Fla. and San Juan, Puerto Rico provided in the tariffs of Eastern Air Lines, Inc., known as Local Tariff Passenger C. A. B. No. 43.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be heard on October 4, 1950 is postponed to October 25, 1950, 10 a. m., e. s. t., Room E-214, Temporary Building No. 5, 16th and Constitution Avenue, Washington, D. C.

Dated at Washington, D. C. September 29, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-8711; Filed, Oct. 4, 1950; 8:50 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 1]

ESTABLISHMENT AND FUNCTIONS

Pursuant to Executive Order 10161, "Delegating Certain Functions of the President Under the Defense Production Act of 1950", and as that commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission *It is hereby ordered:*

1. There is hereby established under the jurisdiction of the commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission a Defense Transport Administration at the head of which shall be an Administrator. Said commissioner shall be ex-officio the Administrator.

2. The Defense Transport Administration shall administer and perform the functions and exercise the powers vested in said commissioner by Executive Order 10161 of September 9, 1950 (15 F. R. 6105) "Delegating Certain Functions of the President Under the Defense Production Act of 1950" and by any other Executive order or delegation of authority hereafter issued.

3. The internal organization of the Defense Transport Administration shall consist, pro tem, of the following: (1) Office of the Administrator; (2) Office of the Deputy Administrator; (3) Office of the Executive Assistant; (4) Office of the General Counsel; (5) Equipment and Materials Division; (6) Manpower Division; (7) Domestic Transport, Storage, and Port Specialists; (8) Industry Consultants; (9) Information Officer; and (10) Administrative Officer.

This order shall become effective October 4, 1950.

Issued at Washington, D. C., this 4th day of October 1950.

(Pub. Law 774, 81st Cong.; E. O. 10161, 15 F. R. 6105)

JAMES K. KNUDSON,
Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission.

[F. R. Doc. 50-8791; Filed, Oct. 4, 1950; 10:54 a. m.]

FEDERAL POWER COMMISSION

[Project No. 16]

NIAGARA FALLS POWER CO. AND NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER

SEPTEMBER 29, 1950.

Notice is hereby given that, on September 27, 1950, the Federal Power Commission issued its order entered September 25, 1950, approving transfer of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8694; Filed, Oct. 4, 1950; 8:47 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF OPINION

SEPTEMBER 29, 1950.

Notice is hereby given that, on September 27, 1950, the Federal Power Commission issued its Opinion No. 200 entered September 25, 1950, in the

above-designated matter, granting the application for amendment of Article 11 of the license.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8695; Filed, Oct. 4, 1950; 8:47 a. m.]

[Project No. 2058]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 28, 1950.

Public notice is hereby given that The Washington Water Power Company, of Spokane, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r), for preliminary permit for proposed water-power Project No. 2058 to be located on Clark Fork River in the States of Idaho and Montana exclusive of a transmission line which would extend from the plant into the State of Washington. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before November 9, 1950, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8692; Filed, Oct. 4, 1950; 8:46 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER GRANTING MOTIONS FOR CONTINUANCE OF HEARING

SEPTEMBER 26, 1950.

On September 11, 1950, Phillips Petroleum Company (Phillips) filed a motion for a continuance of the hearing in this proceeding, set for October 9, 1950, for the duration of the present war emergency, or at least until some date after January 1, 1951.

On September 18, 1950, the Corporation Commission of Oklahoma filed a motion for continuance of said hearing, and on September 22, 1950, the Railroad Commission of Texas filed a motion for continuance.

Previously, on August 11, 1950, Phillips filed a motion for a continuance of such hearing, then set for September 11, 1950, until January 2, 1951, upon the ground, inter alia, that its principal witnesses are key employees of vital importance in the production of war materials; and the Commission granted a postponement of the hearing until October 9, 1950.

The Commission finds: sufficient justification is shown for granting the present motions.

The Commission orders: The aforesaid motions for continuance of hearing be and the same hereby are granted and the hearing is hereby postponed to commence on January 8, 1951, at 10: 00 a. m., in the Federal Court Room, U. S. Post Office Building, Bartlesville, Oklahoma.

Date of issuance: September 27, 1950.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8693; Filed, Oct. 4, 1950; 8:46 a. m.]

[Docket No. G-1416]

SYRACUSE SUBURBAN GAS CO., INC. AND NIAGARA POWER CORP.

NOTICE OF ORDER

SEPTEMBER 29, 1950.

In the matter of Syracuse Suburban Gas Company, Inc., Complainant, v. Niagara Mohawk Power Corporation, Defendant.

Notice is hereby given that, on September 27, 1950, the Federal Power Commission issued its order entered September 26, 1950, dismissing complaint and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8690; Filed, Oct. 4, 1950; 8:46 a. m.]

[Docket No. G-1444]

MIDSOUTH GAS CO. AND ARKANSAS POWER AND LIGHT CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 29, 1950.

Notice is hereby given that, on September 29, 1950, the Federal Power Commission issued its findings and order entered September 29, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8697; Filed, Oct. 4, 1950; 8:47 a. m.]

[Docket No. G-1452]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 29, 1950.

Notice is hereby given that, on September 27, 1950, the Federal Power Commission issued its findings and order entered September 26, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8696; Filed, Oct. 4, 1950; 8:47 a. m.]

[Docket No. G-1480]

CITIZENS GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1950.

Take notice that on September 15, 1950, Citizens Gas Company (Applicant) a Pennsylvania corporation with its principal place of business in Stroudsburg, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, as amended:

1. For an order directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its natural gas transportation facilities with the distribution main of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant; and

2. For a certificate of public convenience and necessity authorizing the construction and operation of a 6-inch steel pipe lateral line some 6,336 feet in length to the 14-inch natural gas transmission line of Manufacturers, commonly known as the Coatesville-Port Jervis line, to accept the delivery requested in paragraph 1 above.

In support of the application, Applicant alleges that the introduction of natural gas into its system would substantially increase the capacity thereof, which would result in a capital investment saving for the years 1951-55 of some $92,900; that by purchasing some natural gas and peak shaving with its existing propane plant, it will save a total of $260,450 over the same five-year period; that 750 B. t. u. propane-air gas represents a greater public hazard than would be represented by natural gas; and that the cost of propane gas has resulted in increased costs to the consumers, and its fluctuations in price have caused inconveniences to the public.

Applicant states that in 1951 its needs will be approximately 260 Mcf of natural gas per day on a peak day, increasing to 428 Mcf in 1955.

Applicant alleges also that it will cost approximately $15,000 to construct the lateral line described in paragraph 2 above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of October 1950.

The application is on file with the Commission and is available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8698; Filed, Oct. 4, 1950; 8:47 a. m.]

[Docket No. G-1481]

PEN ARGYL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1950.

Take notice that on September 15, 1950, Pen Argyl Gas Company (Applicant) a Pennsylvania corporation with its principal place of business in Pen

Argyl, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, as amended:

For an order issuing a certificate of public convenience and necessity for the construction and operation of a 4-inch steel pipe line lateral approximately 8,880 feet in length which would enable Applicant to accept delivery of natural gas from Bangor Gas Company in accordance with its application of the same date filed in Docket No. G-1479.

In support of its application Applicant alleges that is is presently serving 750 b. t. u. propane-air gas to some 589 customers in the Borough of Pen Argyl, Pennsylvania; that the introduction of natural gas into its system would substantially increase the capacity thereof, which would result in a capital investment saving for the years 1951-55 of $45,281; that by purchasing some natural gas and peak shaving with its existing propane plant, it will save a total of $64,530 over the same five-year period; that 750 b. t. u. propane-air gas represents a greater public hazard than would be represented by natural gas; and that the cost of propane-air gas has resulted in increased costs to the consumers, and its fluctuations in price have caused inconveniences to the public.

Applicant points out that The Manufacturers Light and Heat Company's (Manufacturers) 14-inch natural gas transmission line, commonly called the Coatesville-Port Jervis line, passes within 24,705 feet of Applicant's plant, but that an affiliate of Applicant, Bangor Gas Company, is located within 8,880 feet of Applicant's plant. Therefore, Applicant proposes to avoid a duplication of connecting facilities, thereby saving some $39,000, by accepting delivery of natural gas from Bangor rather than Manufacturers, all as is more fully set forth in the application filed on September 15, 1950, in Docket No. G-1479 by Bangor Gas Company.

Applicant states that in 1951 its peak day requirements will be about 55.5 Mcf of natural gas per day, increasing in 1955 to 116 Mcf per day.

It alleges also that it will cost approximately $17,969 to construct the lateral line described above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of October 1950.

The application is on file with the Commission and is available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8699; Filed, Oct. 4, 1950; 8:47 a. m.]

[Docket No. G-1486]

WABASH NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1950.

Take notice that Wabash Natural Gas Company (Applicant), an Illinois corporation, of Evansville, Indiana, filed on September 20, 1950, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for resale to Consumers Gas Company for distribution in the city of Carmi, Illinois. For such purpose, Applicant proposes to construct approximately one-half mile of 4-inch pipeline extending from a point of interconnection with the main pipeline of Texas Eastern Transmission Corporation.

The estimated cost of the facilities proposed to be constructed is $15,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of October 1950.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8700; Filed, Oct. 4, 1950; 8:47 a. m.]

[Docket Nos. G-1116, 1152, 1240, 1317, 1344, 1379, 1415, 1417]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER

SEPTEMBER 29, 1950.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344 and G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379.

Notice is hereby given that, on September 27, 1950, the Federal Power Commission issued its order entered September 26, 1950, in the above-designated matters, denying, without prejudice, the application of Southeastern Michigan Gas Company, Docket No. G-1415, for an order pursuant to section 7 (a) of the Natural Gas Act, and providing for further hearings relative to its application for certificate of public convenience and necessity.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8691; Filed, Oct. 4, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1950.

Oliver R. Waite of Brickley, Sears and Cole, 1 Federal Street, Boston, Massachusetts, having filed with this Commission an application pursuant to Rule U-63 promulgated under the Public Utility Holding Company Act of 1935 ("the act") for approval of $10,000 as the maximum amount for which application may be made to the District Court of the United States for the District of Massachusetts as compensation for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, for the period from August 1, 1948 to January 27, 1950 inclusive, under circumstances as follows:

The applicant has been employed since May 19, 1947 as counsel to assist the Trustee in connection with proceedings pursuant to section 11 (d) of the act for the liquidation and dissolution of IHES. For his services prior to August 1, 1948 he has been paid $10,000, pursuant to orders of the Commission and the Court. He states that during the period from August 1, 1948 to January 27, 1950 inclusive, he devoted 814 hours to the work, plus unrecorded time in conferences with the Trustee, estimated at an additional 100 hours. His detailed statement of recorded time indicates work in connection with the drafting of the Trustee's Second Plan, in preparing for and attending hearings before the Commission and the Court, and in various ancillary matters.

Such application having been duly filed, and notice thereof having been duly published stating that any interested person might, not later than September 25, 1950, request a hearing thereon; and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that $10,000 is reasonable as the maximum amount for which application may be made to the District Court as an allowance for the aforesaid services;

It is therefore ordered, That said application of Oliver R. Waite, be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-8703; Filed, Oct. 4, 1950; 8:48 a. m.]

[File No. 70-2478]

COLUMBIA GAS SYSTEM, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration pursuant to

the provisions of section 12 (b) of the act and Rule U-45 promulgated thereunder with respect to a proposed capital contribution of $300,000 by Columbia to its subsidiary, Binghamton Gas Works ("Binghamton"); and

Said declaration having been filed on September 11, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8701; Filed, Oct. 4, 1950; 8:48 a. m.]

[File No. 70-2479]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1950.

In the matter of New England Gas and Electric Association, Cape & Vineyard Electric Company, Provincetown Light and Power Company, File No. 70-2479.

New England Gas and Electric Association ("Negea"), a registered holding company, and its wholly owned utility subsidiaries, Cape & Vineyard Electric Company ("Cape") and Provincetown Light and Power Company ("Provincetown"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Cape proposes to purchase the properties and assets of Provincetown, subject to all its liabilities other than capital stock, for a consideration of $380,000 in cash, which amount is equivalent to the par value of all of Provincetown's outstanding common stock. To provide the funds necessary to effectuate the purchase of Provincetown's properties and assets, Cape proposes to issue and sell to Negea 7,600 additional shares of its common capital stock, of a par value of $25 per share, at a price of $50 per share.

Negea as the holder of all the common stock of Provincetown proposes to surrender all such stock to Provincetown for cancellation and to cause Provincetown to be dissolved receiving $380,000 in cash as a liquidating dividend.

The proposed transactions have been approved by the Department of Public Utilities of Massachusetts.

Said joint application-declaration having been filed on September 11, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective, forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8702; Filed, Oct. 4, 1950; 8:48 a. m.]

[File No. 70-2486]

NORTHERN STATES POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Northern States Power Company ("the Company"), a Minnesota Corporation and a registered holding company. The Company designates sections 6 (a) and 7 of the act and Rules U-23, U-24 and U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said declaration on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Company proposes to issue and sell at competitive bidding, pursuant to Rule U-50, 175,000 shares of its Cumulative Preferred Stock, without par value, to be designated as "Cumulative Preferred Stock, $_____ Series" ("New Preferred Stock"). The dividend rate, not in excess of $4.50 per annum, and the price to the Company, not less than $100 nor more than $102.75 per share, will be determined by competitive bidding.

The proceeds from the sale of the New Preferred Stock will be added to the general funds of the Company and used to provide part of the new capital required for the completion of the 1947-1951 construction program of the Company and its subsidiary companies. With the addition of such proceeds, it is expected that the Company's general funds, including those arising from earnings and reserves, will provide the cash required by it (a) for its expenditures under the construction program until the latter part of 1951; (b) to pay the bank loans in the aggregate principal amount of $10,000,000 which are due on or before March 7, 1951 and which were made on September 7, 1950 to supply current needs of the construction program; and (c) to purchase at par, from time to time during the balance of the year 1950, not to exceed 15,000 additional shares of Common Stock, of the par value of $100 each, of the Company's subsidiary Northern States Power Company ("Wisconsin Company"), a Wisconsin corporation, all of whose presently outstanding Common Stock (including 15,000 shares purchased during September 1950) is owned by the Company. It is estimated that this will enable the Wisconsin Company to carry on its portion of the construction program until the latter part of 1951.

The Company has submitted a summary of the system's construction program, which shows a total of $98,900,000 expended during 1947-1949 inclusive, with a total of $72,518,000 to be expended during 1950-1952 inclusive. The Company estimates that further financing of approximately $25,000,000, in addition to funds which will be available from reserves and earnings, will be necessary to finance the balance of the program and to replenish working capital. While no determination has been made as to the kind of securities which will be issued, the Company expresses the intention, contingent on economic, and market conditions, to include in such financing a material amount of Common Stock.

The Company estimates that its expenses in connection with the proposed transaction will aggregate $75,000, including legal fees of $11,000 and accounting fees of $3,500, but excluding legal fees of $7,500 and incidental expenses of independent counsel to the underwriters, to be paid by the successful bidder.

It is requested that the 10-day period provided by Rule U-50 (b) be reduced to not less than 6 days for the purpose of the proposed transaction, that the Commission's order be issued as expeditiously as possible, and that it be effective upon issuance.

The State of Minnesota, in which the greater part of the Company's utility properties are located, does not have a regulatory commission with jurisdiction over the proposed transaction. However, about 8.5% of the properties are located in the State of North Dakota, and the Company has filed an application with the Public Service Commission of that State requesting its authorization of the transaction.

Notice is further given that any interested person may, not later than Octo-

ber 12, 1950 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be allowed to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8704; Filed, Oct. 4, 1950; 8:48 a. m.]

[File No. 812-680]

PENNSYLVANIA INDUSTRIES, INC.

NOTICE OF AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September A. D. 1950.

Pennsylvania Industries, Inc. (hereinafter referred to as Industries) filed an application with this Commission on July 26, 1950, for an order of exemption pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940.

Industries is a Delaware corporation and is a management investment company registered under the act. Industries is the beneficial owner of 15,500 shares of Prior Preferred Stock, First Series, 5½ percent, and 124,934 shares of Common Stock of Pittsburgh Steel Company. These securities of Pittsburgh Steel Company owned by Industries represent in the aggregate 2.03 percent of the outstanding voting shares of that company. The application concedes that Pittsburgh Steel Company is an "affiliated person" of Industries within the meaning of section 2 (a) (3) of the act.

J. H. Hillman, Jr., J. H. Hillman, III, J. H. Hillman & Sons Company, W. J. Rainey, Inc., Hecla Coal & Coke Company and Hillman Land Company are all controlled, directly or indirectly, by J. H. Hillman, Jr., and are referred to in the application as the "Hillman Group", which Group owned at the date of the application 36,236 shares, comprising 56.09 percent of the $6 Cumulative Preferred Stock and 21,927.94 shares or 92.3 percent of the Common Stock, $25 par value, of Industries. The Hillman Group is therefore an affiliated person of Industries within the definition of section 2 (a) (3) of the act. This Group owns 1,520 shares of the Prior Preferred Stock, First Series, 5½ percent Stock, 1,010 shares of Class A, 5 percent Stock, 201 shares of Class B, 7 percent Preferred Stock and 15,653 shares of Common Stock of Pittsburgh Steel Company, which represents approximately 2.7 percent of the outstanding voting shares of the company.

Pittsburgh Steel Company has proposed a Plan of Capital Readjustment, dated June 26, 1950, whereby holders of shares of the Prior Preferred Stock, First Series, 5½ percent, and of Class A, 5 percent Preferred Stock of Pittsburgh Steel Company may, subject to certain limitations set forth in said Plan, exchange their present holdings on the following basis:

For each share of prior preferred stock, first series, 5½ percent.	One-half share of prior preferred stock, first series, 5½ percent (identical stock) and 3½ shares of common stock.
For each share of class A, 5 percent preferred stock and dividend arrearages thereon, amounting to $50.625 per share.	Six-tenths of a share of prior preferred stock, first series, 5½ percent, and 4½ shares of common stock.

The Plan provides that the number of shares of Common Stock of Pittsburgh Steel Company to be made available for exchange under said Plan is limited to 450,000 shares (accordingly, if on July 28, 1950, more stock has been deposited for exchange than can be exchanged within the limit of 450,000 shares of Common Stock made available, the acceptance of the shares theretofore deposited will be pro rated to the nearest full share so that only 450,000 shares of Common Stock of Pittsburgh Steel Company will be issued). The Plan further provides that any shares of Common Stock of Pittsburgh Steel Company remaining available for exchange after the close of business on July 28, 1950, will be used to complete exchanges of stock tendered for delivery after that date and shares so tendered will be exchanged upon receipt on a first-come, first-served basis, so long as the supply of Common Stock available for exchange lasts. No stock may in any event be deposited for exchange after the close of business on September 8, 1950, or after the close of business on such later date as may be fixed by future action by the Board of Directors.

The application originally filed requested an exemption for a proposed transaction wherein Industries would exchange 7,750 shares of Prior Preferred Stock, First Series, 5½ percent of Pittsburgh Steel Company owned by it for 3,875 shares of Prior Preferred Stock, First Series, 5½ percent, and 27,125 shares of Common Stock. Industries asserted that participation in the voluntary capital readjustment plan to the extent of one-half of its holdings of Prior Preferred Stock would enable Pittsburgh Steel Company to eliminate dividend arrearages on its Class A, 5 percent Preferred Stock, amounting to $50.625 per share and would tend to increase the market value of the shares of common stock held by Industries. It was further claimed that such exchange which would convert a portion of the Prior Preferred Stock, First Series, into Common Stock would result in acquisition of stock having a much wider and more active market than the Prior Preferred.

On August 3, 1950, the Commission issued its notice of application, statement of issues and order for hearing. Pursuant to this notice, a hearing has been held upon the application and evidence adduced at the hearing concerning whether the terms of the proposed exchange, including consideration to be given and received by the company, were fair and reasonable and did not involve overreaching on the part of any person concerned; whether the proposed exchange was consistent with the policy of the company as set forth in its registration statement; whether the proposed exemption of the foregoing section from the provisions of section 17 (a) of the act was necessary or appropriate in the public interest and was consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act; whether the proposed exemption of the proposed transaction in its entirety under section 6 (c) of the act was necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. At the conclusion of the hearing on August 15, 1950, the Trial Examiner's report was waived by the applicant and consent given that the staff of the Commission prepare findings with the reservation that the applicant, if the findings were adverse, might file exceptions and appear for oral argument before the Commission. Subsequent to the hearing Industries on September 28, 1950 filed an amended application requesting that an order of exemption pursuant to sections 6 (c) and 17 (b) of the act for transactions with two of its affiliates, namely, the Pittsburgh Steel Company and Hecla Coal & Coke Company, be issued.

In the amended application, Industries proposes to exchange all of its holdings (15,500 shares) of Prior Preferred Stock of Pittsburgh Steel Company pursuant to the plan and to receive in the exchange 7,750 shares of Prior Preferred Stock, plus 54,250 shares of Common Stock of Pittsburgh Steel Company.

The amended application states that the 7,750 shares of Prior Preferred Stock to be received by Industries will be added to the present security holdings of Industries and that to compensate for the decrease in its dividend income Industries proposes to sell to Hecla Coal & Coke Company and that company has agreed to purchase for investment the 54,250 shares of Common Stock of Pittsburgh Steel Company to be received by Industries at a price which will be $1 per share above the closing price of Pittsburgh Steel Common Stock on the New York Stock Exchange on the day preceding the granting by the Commission of the order of exemption.

The amended application further states that the net proceeds received by Industries from the sale of this Common Stock, as above set forth, will be invested

by Industries in stocks which will be listed on the New York Stock Exchange or the New York Curb Exchange and which are currently paying dividends. The application states that none of such proceeds will be invested in any securities of any company which is an affiliated person of Industries within the meaning of section 2 (a) (3) of the act.

The application further states that the present policy of Industries is to pay out as dividends on its $6 Cumulative Preferred Stock an amount not less than all of the income which it receives as interest on and dividends from securities held by it after proper allowance for expenses and taxes and that subject to provisions of law and the legal obligations on its present and future boards of directors to pursue its dividend policy which is consistent with economic and business conditions as they may from time to time exist, it is Industries' intention to continue its present dividend policy so long as any dividend arrearages exist on its $6 Cumulative Preferred Stock.

The application, as amended, now seeks not only an exemption from section 17 (a) for the transaction involving an exchange with Pittsburgh Steel Company but also an exemption for the proposed sale of the Common Stock described above to Industries' affiliate, Hecla Coal & Coke Company.

Notice is hereby given of the filing of the amended application to all interested persons, to the application as originally filed and as amended, and to the transcript of testimony and exhibits contained in the record of the hearing held, all of which is on file in the Washington, D. C., office of the Commission, for a more detailed statement of the issues of fact and law raised by the application.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may deem necessary or appropriate may be issued at any time on or after October 18, 1950, unless a further hearing upon the application is ordered by the Commission. Any interested person may, not later than October 17, 1950, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a further hearing thereon, or request in writing that the Commission order a further hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8705; Filed, Oct. 4, 1950; 8:48 a. m.]

LIBRARY OF CONGRESS

Office of the Librarian

[Gen. Order 1443]

HOURS OF SERVICE

SEPTEMBER 28, 1950.

The following table provides, effective October 2, 1950, a statement of the hours of public service of the several administrative and other units of the Library. This general order supersedes General Order No. 1410, dated August 4, 1949.

HOURS OF SERVICE

Services	Room No.[1]	Mondays through Fridays	Saturdays	Sundays	Holidays
General reading rooms:					
Main Reading Room	100	9 a. m.–10 p. m.[2]	9 a. m.–6 p. m.[2]	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Thomas Jefferson Room	5009, 5011	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Special reading rooms:					
Aeronautics Division	G–1006	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Congressional[3]	109	8:30 a. m.–10 p. m.	9 a. m.–6 p. m.	2 p. m.–10 p. m.	9 a. m.–10 p. m.[4]
Federal Agencies Collection (take elevator C)	Deck 37	9 a. m.–5:15 p. m.	Closed	Closed	Closed.
Government Publications	133	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Hispanic Foundation	239	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Law Library	244	9 a. m.–10 p. m.[2]	9 a. m.–6 p. m.[2]	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Law Library in the Capitol[3]		9 a. m.–6 p. m.	9 a. m.–1 p. m.	Closed	Closed.
Local History and Genealogy	5009A	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Manuscripts Division	3005	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	Closed	Closed.
Map Division	140	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	Closed	Closed.
Microfilm (take elevator C)	Deck 38	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Music Division	G–144	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Newspapers (current)	G–133	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Newspapers (noncurrent)	5010, 5012	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.
Orientalia Division	5010, 5012	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	Closed	Closed.
Pamphlets Collection	G–133	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Periodicals (current)	G–133	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Prints and Photographs	209	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Rare Books	256	9 a. m.–5:45 p. m.	Closed	Closed	Closed.
Slavic Room	5011B	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Other services:					
Copyright Office	1027	8:30 a. m.–5:15 p. m.	Closed	Closed	Closed.
Division for the Blind	1005	8:30 a. m.–5:15 p. m.	Closed	Closed	Closed.
Exhibit Halls (various locations)		9 a. m.–10 p. m.	9 a. m.–10 p. m.	11:30 a. m.–10 p. m.	11:30 a. m.–10 p. m.[4]
Information Office	108	9 a. m.–5:15 p. m.	Closed	Closed	Closed.
Loan Division[5]	G–153	9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	Closed	Closed.
National Union Catalog	154	9 a. m.–10 p. m.	9 a. m.–6 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Photoduplication service	G–1008	8:30 a. m.–5:15 p. m.	Closed	Closed	Closed.
Study rooms and study tables (various locations)		9 a. m.–5:45 p. m.	9 a. m.–1 p. m.	2 p. m.–6 p. m.	2 p. m.–6 p. m.[4]
Other administrative offices (various locations)		8:30 a. m.–5:15 p. m.	Closed	Closed	Closed.

[1] 3-digit room numbers, Main Building; 4-digit room numbers, Annex Building.
[2] The Main Reading Room and the Law Library will have available only limited service from 5:45 p. m.–10 p. m Mondays through Fridays, and 1 p. m.–6 p. m. on Saturdays.
[3] Also open whenever either House of Congress is in session. [4] Closed on Christmas Day and the Fourth of July. [5] Closed on Christmas Day only.
[6] During closed hours Congressional loans arranged through Congressional Reading Room; other questions regarding lending service handled by reference staff, Main Reading Room.

[SEAL]

LUTHER H. EVANS, *Librarian of Congress.*

[F. R. Doc. 50-8729; Filed, Oct. 4, 1950; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15102]

HERMANN SCHULTE

In re: Bonds and coupons owned by and debt owing to Hermann Schulte. F-28-30885.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193 as amended and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Schulte, whose last known address is Hauptstrasse 101, Sprockhövel, Dortmund-Mengede, Westphalia, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Three (3) Conversion Office for German Foreign Debts 3% Dollar Bonds, due January 1, 1946, each of $100.00 face value, bearing the numbers 036927/9, issued in the name of bearer and presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

b. Fifteen (15) Hugo Stinnes Industries Inc. 4% Debenture Bonds, due October 1, 1946, each of $1,000.00 face value, bearing the numbers 6026, 6027, 6028, 9720, 9721, 10369, 807, 806, 8674, 6390, 4874, 8485, 7277, 10162, and 10163, issued in the name of bearer and presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

c. Two (2) Siemens & Halske Stock Corporation 3¼% Debenture Bonds, due September 1, 1951, each of $1,000.00 face value, bearing the numbers 17034 and 10631, issued in the name of bearer and presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

d. Four (4) Hugo Stinnes Corporation 4% Notes, due July 1, 1946, each of $1,000.00 face value, bearing the numbers 5462, 10078, 7665, and 5578, issued in the name of bearer and presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

e. Three (3) coupons, detached from Conversion Office for German Foreign Debts 3% Dollar Bonds, each in the amount of $1.50, numbered 036927/9, dated July 1, 1940, which coupons are presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

f. Three (3) coupons, detached from Conversion Office for German Foreign Debts 3% Dollar Bonds, each in the amount of $1.50, numbered 036927/9, dated January 1, 1940, which coupons are presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto, and

g. That certain debt or other obligation of The New York Trust Company, One Hundred Broadway, New York 15, New York, in the amount of $1,756.11, as of January 2, 1950, represented by a portion of the sum of money on deposit with the New York Trust Company, One Hundred Broadway, New York 15, New York, in a blocked dollar account, entitled H. M. H. Albert de Bary & Co., N. V., maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hermann Schulte, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8714; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15119]

KENJI AOKI

In re: Cash owned by the personal representatives, heirs, next of kin, legatees and distributees of Kenji Aoki, also known as Kenji Suzuki, deceased. D-39-2328-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Kenji Aoki, also known as Kenji Suzuki, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $381.29, presently in the possession of the Treasury Department of the United States in Trust Fund Account numbered 158915, entitled "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Kenji Aoki, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Kenji Aoki, also known as Kenji Suzuki, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kenji Aoki, also known as Kenji Suzuki, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8715; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15120]

KIMIKO ARITA

In re: Cash owned by Kimiko Arita. F-39-6442-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiko Arita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $470.00 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Kimiko Arita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kimiko Arita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8716; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15122]

WALTER DIRKS

In re: Stock owned by Walter Dirks. F-28-23401-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Dirks, whose last known address is Manburg Langen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value common stock of The National Cuba Hotel Corporation, Hotel Gotham, Fifth Avenue and 55th Street, New York City, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 1799, registered in the name of Walter Dirks, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8717; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15127]

VIKTORIA DICK

In re: Interest in real property owned by Viktoria Dick, nee Scholl, also known as Victoria Dick.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Viktoria Dick, nee Scholl, also known as Victoria Dick, whose last known address is 25 Kleinfeld Strasse, (13b) Garmisch-Partenkirchen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

An undivided one-third interest in a piece of land situated in the City and County of Milwaukee, State of Wisconsin, in the Northeast One-quarter (N. E. ¼) of Section numbered Twenty-five (25), of Township numbered Seven (7) North, of Range numbered Twenty-one (21) East, described as follows: Commencing at a point Forty-five (45) feet West of the Northwest corner of West Highland Boulevard and North 27th Street, being a point in the North line of said West Highland Boulevard; thence West on and along the North line of West Highland Boulevard Fifty-two (52) feet to a point; thence North parellel to the West line of North 27th Street Two Hundred and Forty (240) feet to a point; thence East parallel to the North line of West Highland Boulevard Seven (7) feet to a point; thence South parallel to the West line of North 27th Street One Hundred and Fourteen (114) feet to a point; thence East parallel to the North line of West Highland Boulevard Forty-five (45) feet to a point; thence South parallel to the West line of North 27th Street One Hundred and Twenty-six (126) feet to the place of beginning, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy country, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8718; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15128]

MARGARETE SPECKNER

In re: Interest in real property, mortgage and property insurance policy, and a claim owned by Margarete Speckner.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Speckner, whose last known address is Friedleinstr. 7, Wertheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, particularly described as all that certain lot, piece or parcel of land with the building and improvements thereon erected, situate, lying and being in the Borough of Bronx, City, County and State of New York, known and distinguished as lots Nos. 66 and 125 on a certain map entitled, "Map of Samler Estate Property, at West 256th Street and Broadway, Borough of Bronx, New York, New York," made by John F. Fairchild, Civil Engineer, dated August 30, 1909 and filed in the Office of the Register of the County of New York, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1

hereof, in and to Fire Insurance Policy, No. 34703, in the amount of $8,500.00, expiring June 6, 1951, issued by Aetna Insurance Company, Hartford, Connecticut, which policy insures the improvements on the aforesaid real property,

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Elizabeth Achilich, 5445 Sylvan Avenue, Bronx, New York, arising out of her share of net income by reason of collection of rents from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same, and

d. An undivided thirty sixty-fifths (30/65ths) interest in a certain mortgage, executed August 1, 1927, by Edmerance Realty Corporation, a New York corporation, to Johanna E. Kress, also known as Johanna Elizabeth Kress, and recorded August 10, 1927, in the Office of the Register of the County of Bronx, State of New York, in Liber 1228 of Mortgages, Page 96, which undivided interest arose out of an assignment of a $6,000 interest in said mortgage executed by John Achilich as Administrator of the Estate of Johanna Achilich, deceased, to Else Speckner and Margarete Speckner pursuant to Decree of Judicial Settlement, dated May 9, 1933, issued by the Surrogate's Court of Bronx County, New York, in the matter of the Estate of Johanna Achilich, deceased, and an undivided thirty sixty-fifths (30/65ths) interest in any and all obligations secured by said mortgage, including but limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds or other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c and 2-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8719; Filed, Oct. 4, 1950; 8:51 a. m.]

[Vesting Order 15151]

NISSHO CO., LTD.

In re: Claims owned by The Nissho Company, Ltd.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Nissho Company, Ltd. the last known address of which is Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: All right, title, and interest of any name or nature whatsoever, contingent or otherwise and whether or not matured, of The Nissho Company, Ltd., in and to any and all claims for refund of income and excess profits taxes for the years 1930-1940 inclusive, paid to the Collector of Internal Revenue for The Second District of New York, including particularly but not limited to the right to file, prosecute, enforce and collect such claim or claims,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person referred to in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8720; Filed, Oct. 4, 1950; 8:51 a. m.]